



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

April 12, 2011

SPECIAL PRESENTATIONS – 6:00 P.M.
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 Mel Alonzo, ADA Coordinator, at 951.413.3027 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.

Jesse L. Molina, Mayor Pro Tem
Robin N. Hastings, Council Member

Richard A. Stewart, Mayor

Marcelo Co, Council Member
William H. Batey II, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
April 12, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Presentation of Award for Excellence in Information Technology Practices to the City's Technology Services Division
2. Proclamation Recognizing National Library Week
3. Proclamation Recognizing Sexual Assault Awareness Month
4. "Spotlight on Moreno Valley Business"

**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
APRIL 12, 2011**

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

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

AGENDA
April 12, 2011

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 MARCH 22, 2011 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of March 16 – April 5, 2011.

A.4 APPROVAL OF THE 2011/2012 FISCAL YEAR STORM WATER PROTECTION PROGRAM BUDGET FOR COUNTY SERVICE AREA (CSA) 152 (Report of: Public Works Department)

Recommendation:

1. Approve the County Service Area (CSA) 152 Budget for FY 2011/2012 in the amount of \$537,553; and
2. Authorize the levy of CSA 152 Assessment at \$8.15 per Benefit Assessment Unit (BAU) for FY 2011/2012.

A.5 REPLACEMENT OF PLAY STRUCTURES AND PLAYGROUND SURFACING AT JOHN F. KENNEDY VETERANS MEMORIAL PARK AND WOODLAND PARK (ALSO LISTED AS ITEM B.3) (Report of: Parks and Community Services)

Recommendation:

1. Award to Miracle Recreation Equipment Company, 878 E Hwy 60, Monett, MO 65708 for material and labor to replace play structures and playground surfacing at John F. Kennedy Veterans Memorial Park and Woodland Park; and
2. Authorize the Purchasing Manager to execute a purchase order in an amount not to exceed \$ 241,976.03 as appropriated in FY10/11, in

AGENDA
April 12, 2011

account code 461.65329.7500.

A.6 RESOLUTION FOR THE ABATEMENT OF PUBLIC NUISANCES (Report of: Fire Department)

Recommendation:

Adopt Resolution No. 2011-30 of the City of Moreno Valley, California, confirming assessments on certain real properties as outlined in the Property Assessment List in the staff report for the abatement of nuisances.

Resolution No. 2011-30

A Resolution of the City Council of the City of Moreno Valley, California, Confirming Statements of Costs Against Real Property Located in the City of Moreno Valley, for Abatements of Public Nuisances and Direction that said Statements of Costs Constitute a Lien upon said Properties

A.7 REPORT OF PARTIAL REDUCTIONS PROCESSED DURING THE MONTHS OF FEBRUARY AND MARCH 2011 (Report of: Public Works Department)

Recommendation:

No action required.

A.8 PA07-0090 - REDLANDS ELECTRICAL IMPROVEMENTS – UTILITY ELECTRICAL INFRASTRUCTURE – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE UTILITY ELECTRICAL INFRASTRUCTURE AS COMPLETE AND ACCEPTING THE UTILITY ELECTRICAL INFRASTRUCTURE INTO THE CITY’S MAINTAINED SYSTEM, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET: DEVELOPER – HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-33 authorizing the acceptance of the Utility Electrical Infrastructure for PA07-0090 - Redlands Electrical Improvements as complete and accepting the Utility Electrical Infrastructure into the City’s maintained system; and

Resolution No. 2011-33

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Utility Electrical Infrastructure for the Redlands Electrical Improvements as Complete

AGENDA
April 12, 2011

within Project PA07-0090, and Accepting the Utility Electrical Infrastructure into the City's Maintained System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

- A.9 APPROVAL OF THE FRANCHISE TAX BOARD AGREEMENT TO SHARE TAX INFORMATION (Report of: Financial & Administrative Services Department)

Recommendation:

Authorize the City Manager or his designee to sign a Franchise Tax Board Agreement that will allow both entities to share tax information confidentially.

- A.10 RESOLUTION REGARDING THE LIBERTY QUARRY (Report of: City Manager's Office)

Recommendation:

Discuss and consider Resolution No. 2011-31 regarding the Liberty Quarry.
Resolution No. 2011-31

A Resolution of the City Council of the City of Moreno Valley, California, in Support of the Need for and Benefits of Liberty Quarry

- A.11 CONSIDERATION OF A REQUEST FROM BREAKTHROUGH COMMUNITY DEVELOPMENT CORPORATION (BCDC) TO SPONSOR ITS HOPE FOR OUR YOUTH CAMPAIGN (Report of: City Clerk's Department)

Recommendation:

That the City Council consider the request of Breakthrough Community Corporation (BCDC) to sponsor its Hope for Our Youth Campaign (HYC), in the amount of \$2,040.

- A.12 TRACTS 22709, 22709-1, 31128, 31129, & 35760 – MAINTENANCE OF PUBLIC IMPROVEMENTS - ACCEPT AGREEMENT AND IRREVOCABLE LETTER OF CREDIT FOR MAINTENANCE OF THE MORENO BEACH CHANNEL (CHANNEL F) PUBLIC IMPROVEMENTS - DEVELOPER: WESTERN PACIFIC HOUSING - CORONA, CA 92880 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Irrevocable Letters of Credit for Public Improvements for Tracts 22709, 22709-1, 31128, 31129, & 35760;
2. Authorize the Mayor to execute the agreement;
3. Direct the City Clerk to forward the signed agreement to the County Recorder's office for recordation; and
4. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF MARCH 22, 2011 (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

B.3 REPLACEMENT OF PLAY STRUCTURES AND PLAYGROUND SURFACING AT JOHN F. KENNEDY VETERANS MEMORIAL PARK AND WOODLAND PARK (ALSO LISTED AS ITEM A.5) (Report of Parks and Community Services)

Recommendation:

1. Award to Miracle Recreation Equipment Company, 878 E Hwy 60, Monett, MO 65708 for material and labor to replace play structures and playground surfacing at John F. Kennedy Veterans Memorial Park and Woodland Park; and
2. Authorize the Purchasing Manager to execute a purchase order in an amount not to exceed \$ 241,976.03 as appropriated in FY10/11, in account code 461.65329.7500.

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 MARCH 22, 2011 (Report of: City

AGENDA
April 12, 2011

Clerk 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 MARCH 22, 2011 (Report of: City Clerk 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 REGARDING THE MAIL BALLOT PROCEEDINGS FOR SOUTHEASTERN CALIF CONF SEV DAY ADVENTIST CHURCH—APN 484-030-015 AND BUDDHADHAMMO TEMPLE—APN 488-210-014 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:

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 Southeastern Calif Conf Sev Day Adventist—Assessor Parcel Number (APN) 484-030-015 and Buddhaddhammo Temple—APN 488-210-014;

b. Verify and accept the result of the mail ballot proceedings 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 NPDES maximum commercial/industrial regulatory rate to APNs 484-030-015 and 488-210-014.

AGENDA
April 12, 2011

Recommendation: That the CSD:

Acting in their capacity 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 Southeastern Calif Conf Sev Day Adventist—APN 484-030-015 and Buddhadhammo Temple—APN 488-210-014;
- b. Verify and accept the result of the mail ballot proceedings 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) charges to APNs 484-030-015 and 488-210-014.

E.2 PUBLIC HEARING REGARDING ISSUANCE OF MULTI-FAMILY HOUSING REVENUE BONDS AND THE ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES OF MULTI-FAMILY HOUSING REVENUE BONDS FOR HEMLOCK FAMILY APARTMENTS (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

- 1. Conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, at which it will hear and consider information concerning the issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds to finance the acquisition, construction and development of a 77-unit multifamily rental housing project known as Hemlock Family Apartments; and
- 2. Adopt Resolution No. 2011-32, pursuant to Section 147(f) of the Internal Revenue Code of 1986 approving the issuance of bonds by the Community Redevelopment Agency of the City of Moreno Valley for Hemlock Family Apartments.

Resolution No. 2011-32

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Issuance by the California Statewide Communities Development Authority of Multifamily Housing Revenue

AGENDA
April 12, 2011

Bonds for the Hemlock Family Apartments

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

- G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
- a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

- G.2 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS FOR POZGAJ FRANK & MARIA FAMILY TRUST—APN 486-240-009 BALLOTING FOR NPDES AND CSD ZONE M AND RIDGE MORENO VALLEY—APNS 297-170-005 AND 297-170-066 BALLOTING FOR NPDES (Report of: Public Works Department)

Recommendation: That the City Council:

Accept public comments regarding the mail ballot proceedings for Pozgaj Frank & Maria Family Trust—Assessor Parcel Number (APN) 486-240-009 and Ridge Moreno Valley—APNs 297-170-005 and 297-170-066 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate; and

Recommendation: That the CSD:

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 Pozgaj Frank & Maria Family Trust—APN 486-240-009 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

- G.3 APPROVE THE THREE-YEAR DEFICIT ELIMINATION PLAN FOR FISCAL YEARS 2011/12 - 2013/14 AND DIRECT STAFF TO IMPLEMENT THE FIRST TWO YEARS OF THE PLAN IN A TWO-YEAR BUDGET FOR FISCAL YEARS 2011/12 AND 2012/13 (Report of: City Manager's Office)

Recommendation: That the City Council:

1. Approve the Three-Year Deficit Elimination Plan for Fiscal Years 2011/12 through 2013/14; and
2. Direct staff to incorporate the first two years of the plan in a proposed two-year budget for Fiscal Years 2011/12 and 2012/13 for Council consideration.

- G.4 CITY MANAGER'S REPORT (Informational Oral Presentation - not for

AGENDA
April 12, 2011

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

Number of Cases: 5

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

Number of Cases: 5

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

ADJOURNMENT

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
March 22, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Riverside County Board of Supervisors Proclamation Recognizing Moreno Valley Community Senior Center as a Community Focal Point
2. Recognition of Moreno Valley Police Department's Participation in Operation SafeHouse's Stuff the Bus Event
3. Proclamation Recognizing Trent Sauls
4. Mayor's Awards of Valor Recognizing Rodrigo Murguia, David Westerhaus, and Jimmy Zapata

**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
March 22, 2011**

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 6:39 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Mayor Stewart

INVOCATION - Mayor Stewart

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem
William H. Batey II	Council Member
Marcelo Co	Council Member
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Chris Vogt	Public Works Director
Barry Foster	Community and Economic Development Director
Sonny Morkus	Human Resources Director
Mike McCarty	Parks & Community Service

MINUTES
March 22, 2011

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; there being none, public comments were closed.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of March 2-15, 2011.

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

Recommendation:
Approve Resolution No. 2011-27 amending the Electric Rates for Moreno Valley Utility.

Resolution No. 2011-27

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 ALCOHOL BEVERAGE CONTROL (ABC) "MINOR DECOY/SHOULDER TAP" GRANT FUNDING OPPORTUNITY (Report of: Police Department)

Recommendation:
Approve the grant application and authorize acceptance (if awarded) from the Department of Alcohol Beverage Control, State of California,

MINUTES
March 22, 2011

in the amount of \$69,918.00, "Minor Decoy/Shoulder Tap" Grant.

- A.6 AUTHORIZATION TO ISSUE A CHANGE ORDER TO INCREASE PURCHASE ORDER TO SOUTHERN CALIFORNIA EDISON (SCE) FOR RELOCATION OF FACILITIES FOR THE KITCHING STREET IMPROVEMENTS PROJECT -- PROJECT NO. 07-50182425 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of \$125,400 (\$114,000 plus 10% contingency) for a total not-to-exceed amount of \$160,400. (Account No. 501.82425.7500); and
2. Authorize payment to SCE in an amount up to \$125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project.

- A.7 APPROVAL OF CHECK REGISTER FOR JANUARY, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-28, approving the Check Register for the month of January, 2011 in the amount of \$12,324,061.41.

Resolution No. 2011-28

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of January, 2011

- A.8 AUTHORIZATION TO EXECUTE AGREEMENTS WITH THE YMCA FOR MORRISON PARK FIRE STATION -- PROJECT NO. 11-43472527 (Report of: Public Works Department)

Recommendation:

1. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015;
2. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017; and
3. Authorize the City Manager to execute said "Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-

MINUTES
March 22, 2011

015 and APN 487-370-017 with the YMCA.

A.9 2010 ANNUAL REPORT OF THE PLANNING COMMISSION (Report of: Community & Economic Development Department)

Recommendation:

1. Receive and File the 2010 Annual Report of the Planning Commission; and
2. Authorize transmittal to the California State Office of Planning and Research in accordance with Government Code Section 65040.5.

A.10 CONSIDERATION OF THE FOURTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT CREATING THE WESTERN RIVERSIDE REGIONAL CONSERVATION AUTHORITY(Report of: City Manager's Office)

Recommendation:

Approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document.

A.11 APPROVE TM 34950-1, A FINAL MAP FOR FINANCING PURPOSES, BETWEEN BRODIAEA AVENUE AND CACTUS AVENUE, AND LASSELLE STREET AND MORRISON STREET - DEVELOPER: MORENO VALLEY PROPERTIES, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Approve TM 34950-1, a final map for financing purposes; and
2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.12 A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION PLANNING GRANT PROGRAM (Report of: Community & Economic Development Department)

Recommendation:

Adopt Resolution No. 2011-29, authorizing the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" to the California Department of Transportation (CalTrans) Planning Grant Program.

MINUTES
March 22, 2011

Resolution No. 2011- 29

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing Submittal of an Application for Grant Funds for the Caltrans Transportation Planning Grant (Fiscal Year 2011-2012)

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk 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 MARCH 8, 2011 (Report of: City Clerk 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 MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to approve Joint Consent Calendar Items A.1 through D.2 by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

MINUTES
March 22, 2011

E. PUBLIC HEARINGS

- E.1 A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING, AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

Ordinance No. 823

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an Approved Project Encompassing Tentative Tract Map No. 36340 and a Conditional Use Permit/Planned Unit Development Consisting of 275 Residential Lots, a Recreational Building and Private Open Space on Approximately 29 acres in the R15 (Residential 15) and OS (Open Space) Land Use Districts

Motion to continue the item to May 24, 2011 Council Meeting by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

- E.2 FY 2011/12 PROJECT SELECTION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing for CDBG and the HOME grant programs to allow public comment on the proposed FY 2011/12

MINUTES
March 22, 2011

social service programs; and

2. Review and select programs for funding for social service, housing, and economic development activities to be included in the City's FY 2011/12 Annual Action Plan.

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder, George Price, Josiah Bruny, Pastor Earnesline Anderson and Hal Tubb.

Motion to receive and file by m/Mayor Pro Tem Jesse L. Molina, 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 - none

G. REPORTS

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

- a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Mayor Stewart reported the following: demolition of an old hospital at March Air Reserve Base scheduled on March 28, at 10 a.m. with a renowned guest speaker Willie Brown; a trip to Washington, D.C. regarding pending projects and reduction in air force reserve staffing

- b. Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

Council Member Pro Tem Hastings reported the following: announced an upcoming Clean Cities Coalition meeting at the Mission Inn, and the General Assembly meeting in Morongo on June 21 with a guest speaker Condoleezza Rice and encouraged everyone to attend; WRCOG received funding for AB 811 program, and the City will be given an update on how the program will be implemented

G.2 APPOINTMENT TO THE PLANNING COMMISSION (Report of: City Clerk Department)

Recommendation: That the City Council:

1. Appoint one (1) member for a term expiring March 31, 2013; or

MINUTES
March 22, 2011

2. If the appointment is not made, authorize the City Clerk to re-notice the position as vacant.

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

Motion to appoint Carlos Ramirez for a term expiring March 31, 2013 by m/Mayor Pro Tem Jesse L. Molina, s/Council Member Marcelo Co Approved by a vote of 5-0.

- G.3 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS FOR SOUTHEASTERN CALIF CONF SEV DAY ADVENTIST CHURCH—APN 484-030-015 AND BUDDHADHAMMO TEMPLE—APN 488-210-014 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:

Accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—Assessor Parcel Number (APN) 484-030-015 and Buddhaddhammo Temple—APN 488-210-014 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate; and

Recommendation: That the CSD:

Accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—APN 484-030-015 and Buddhaddhammo Temple—APN 488-210-014 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

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

No action required.

- G.4 CONDITIONAL COMMITMENT LETTER AMONG THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, THE CITY OF MORENO VALLEY AND RANCHO BELAGO DEVELOPERS INC. (Report of: Community & Economic Development Department)

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

Recommendation: That the City Council:

Rescind the action from the last meeting of adopting Resolution No.

MINUTES
March 22, 2011

2011-26 consenting to the approval of an Affordable Housing Agreement between the Redevelopment Agency and Rancho Belago Developers Inc. and restate the City's approval of the Conditional Commitment Letter Agreement among the Community Redevelopment Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member William H. Batey II
Approved by a vote of 5-0.

Recommendation: That the RDA:

Rescind the action from the last meeting of adopting Resolution No. RDA 2011-05 approving an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc. and restate the Agency's approval of the Conditional Commitment Letter Agreement among the Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

Motion to Approve by m/Agency Member Robin N. Hastings, s/Agency Member William H. Batey II
Approved by a vote of 5-0.

G.5 MID YEAR BUDGET REVIEW (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Receive and file this report; and
2. Approve two recommended mid-year appropriation adjustments, including the transfer of \$150,000 in General Fund fund balance to the Gas Tax Special Revenue Fund to meet Measure A Maintenance of Effort requirements and transfer \$190,000 (\$157,000 from General Fund fund balance and \$33,000 from Equipment Replacement Fund fund balance) for state-mandated vehicle modifications/replacements.

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder and Pete Bleckert.

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings
Approved by a vote of 5-0.

- G.6 ECONOMIC DEVELOPMENT PLAN—AREAS OF OPPORTUNITY (POWERPOINT TO BE PROVIDED UNDER SEPARATE COVER) (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Review and provide staff with direction on the development of a new Economic Development Plan—Areas of Opportunity.

Mayor Stewart opened the agenda item for public comments, which were received from Pete Bleckert, Deanna Reeder and Tom Jerele Sr.

Received and filed.

- G.7 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

Marcia Amino

1. Land use and transportation planning
2. City Manager's salary
3. Car allowances

Pete Bleckert

1. Retirement benefits

Louise Palomarez

1. Audio for Council meetings
2. Rising Star program
3. Use of redevelopment money
4. Red light camera on Day Street

Tom Jerele Sr.

1. Commended public input
2. Red light camera on Day Street
3. Housing issues
4. Edgemont area potential
5. Graffiti at Sunnymead Boulevard area

Deanna Reeder

1. Public input at the Economic Development Subcommittee meetings
2. Requested information regarding Economic Development Subcommittee meetings
3. Public workshop in April
4. Council Member Co's Code Compliance case

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

Council Member Batey

1. Attended the grand opening of Buffalo Wild Wings restaurant
2. Top five classes from the reading contest will go to a movie at Harkins Theatre on April 21; reading contest is a very successful program

Mayor Pro Tem Molina

1. Attended the Buffalo Wild Wings grand opening on Saturday; it is an indication that possibly the economy has bottomed out
2. On Saturday, went on a tour at Skechers given by Iddo Benzeevi; was very impressed with high technology; the tour, which is very informative, is open to the public

Council Member Co

1. Thanked everybody for participating in the Economic Development Subcommittee meetings
2. Stated that right now we are trying to do the best we can to allocate resources for the best possible results; we need jobs that provide good income; asked for input from the public

Council Member Hastings

1. Attended the Buffalo Wild Wings grand opening - was a standing room only; personally believes that the economy is turning around
2. Asked Community and Economic Development Director Barry Foster to report on the Small Business Development Center (SBDC) receiving an award; SBDC was recognized earlier this year as one of the top 10 SBDCs in the U.S.A and is the only one in California that received that designation; it is fantastic to have this facility in Moreno Valley to provide

MINUTES
March 22, 2011

assistance to small businesses

3. Congratulated Mayor Pro Tem Molina on bringing forward budget ideas; we need ideas to eliminate 14 million dollars budget deficit; asked the public to please forward any ideas to her; presented suggestions for reducing expenditures

Mayor Stewart

1. Stated that Buffalo Wild Wings received about 1300 job applications and hired about 110; there were long lines on the first day of opening

2. The Police Department made a fantastic arrest for an armed robbery; two people arrested committed about 20 commercial robberies; congratulated officers on fantastic work

3. Reiterated that Mayor's Award of Valor was presented to Rodrigo Murguia, David Westerhaus and Jimmy Zapata for their heroic action to save traffic collision victims from a burning car on November 17, 2010

4. All standing council subcommittee meetings are noticed and posted at least 72 hours before a meeting pursuant to the Brown Act

There being no further business to conduct, the meeting was adjourned at 9:56 p.m. to Closed Session by unanimous informal consent.

CLOSED SESSION

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

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

Closed Session was held in the City Manager's Conference Room, Second Floor, City Hall pursuant to Government Code:

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

Number of Cases: 5

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

Number of Cases: 5

MINUTES
March 22, 2011

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 10:13 p.m. by unanimous informal consent.

Submitted by:

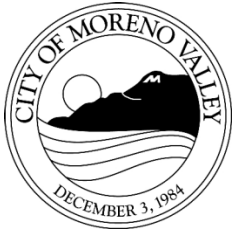
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

Richard Stewart, Mayor
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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MINUTES
March 22, 2011



Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: April 12, 2011

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 March 16 – April 5, 2011.

<i>Reports on Reimbursable Activities</i> March 16 – April 5, 2011		
Council Member	Date	Meeting
William H. Batey II		None
Marcelo Co	3/24/11	Western Riverside Council of Governments (WRCOG) Advancing the Choice Expo
	3/30/11	Riverside County Sheriff's Annual Awards Ceremony
Robin N. Hastings	3/16/11	Sixth Annual Riverside County Student Academic Awards Dinner
	3/30/11	Riverside County Sheriff's Annual Awards Ceremony
Jesse L. Molina	3/30/11	Riverside County Sheriff's Annual Awards Ceremony
	4/5/11	Moreno Valley Hispanic Chamber of Commerce Adelante
Richard A. Stewart	3/16/11	Student of the Month Luncheon
	3/30/11	Riverside County Sheriff's Annual Awards Ceremony

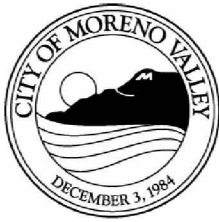
Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

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:

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RW</i>
CITY MANAGER	<i>ms</i>

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: April 12, 2011

TITLE: Approval of the 2011/2012 Fiscal Year Storm Water Protection Program Budget for County Service Area (CSA) 152

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the County Service Area (CSA) 152 Budget for FY 2011/2012 in the amount of \$537,553; and
2. Authorize the levy of CSA 152 Assessment at \$8.15 per Benefit Assessment Unit (BAU) for FY 2011/2012.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The National Pollutant Discharge Elimination System (NPDES) program requires the City to obtain a permit from the Santa Ana Regional Water Quality Control Board (Board) to release storm water into various drainage channels and washes throughout our community.

To fund their part of these activities the Riverside County Flood Control District established a benefit assessment district. The County of Riverside (County) formed CSA 152 as a means for it and other local governments to recover costs through property assessments. On December 21, 1993, the City along with several other County cities was annexed into CSA 152. The purpose of the annexation was to provide a funding mechanism for the federally mandated storm water cleanup program.

On November 1, 1994, the Administrative Services Agreement for the CSA 152 Program was executed between the County and the City. The Agreement established the responsibilities and obligations of the City and the County concerning the management and financing of CSA 152. On October 26, 2010, the City Council authorized the Mayor to execute a new Administrative Services Agreement.

On June 27, 1995, the City Council approved the NPDES and CSA 152 budgets and assessment. The City Council also passed Resolution No. 95-45 adopting the BAU assessment of \$8.15 per year. The assessment has remained unchanged since 1995.

On February 25, 1997, the City Council made a finding determining that the NPDES program as administered by the City was in compliance with the provisions of Proposition 218. Specifically, the City Council found that the NPDES assessment existed on the effective date of the State Constitutional Amendment and that the assessment was imposed exclusively to finance maintenance and operation expenses for streets, flood control and drainage systems. Therefore, the Council found that the NPDES program was exempt per Section 5(a) of Article XIII D of the State Constitution.

On January 29, 2010, the Board issued a new NPDES permit. The requirements of the new permit necessitate the City to expand its NPDES program to include the following:

- Additional compliance monitoring to include Total Maximum Daily Load (TMDL)
- Development of comprehensive implementation and management plans
- Expansion of inspection program to now include residential elements

In addition, the City will still be required to comply and maintain its existing program elements. The City must continue to implement Best Management Practices (BMPs) within our community that reduces pollutants entering our streams and channels. Among those practices are: public education, material disposal and recycling programs, spill prevention and cleanup programs, and street and storm drain maintenance.

DISCUSSION

The County is the lead agency in administering CSA 152 and the City is a participating agency. In order to continue with the service provided under CSA 152, the City is required to take the following actions:

1. Approve the CSA 152 Budget for FY 2011/2012 in a specific amount; and
2. Approve a CSA 152 Assessment per Benefit Assessment Unit (BAU) for FY 2011/2012.

The revenues collected will normally increase even if the charge for the annual assessment remains constant as a result of new development. This occurs because the total number of properties paying the assessment increases each year.

Current information provided by the County of Riverside Economic Development Agency indicates a decrease in the FY 2011/2012 CSA 152 projected revenues of \$49,143 from the current fiscal year projected revenues. The decrease is due to a change in the methodology used to calculate the number of BAUs from new and existing development in the City. The revenue decrease will impact program fund transfers and will be addressed by the City Council during the FY 2011/2012 budget process. Staff is not recommending at this time an increase in the BAU assessment that would require a mail ballot process under Proposition 218; therefore the assessment will remain unchanged at \$8.15 per BAU.

As noted above, the budget decrease is a result of the change in methodology used by the County of Riverside Economic Development Agency to determine the total BAU's in this current fiscal year. Since the annual BAU assessment will remain unchanged, there is no need to have any further Council action related to CSA 152.

The CSA 152 Administrative Services Agreement requires the City to adopt a CSA 152 budget in early spring. To ensure the funding is secured and the assessment remains on the tax rolls for FY 2011/2012 staff is recommending Council adopt the CSA 152 budget as presented this evening.

The following CSA 152 events are scheduled for the next fiscal year:

- | | | |
|----|---------------------------|--------------|
| 1. | Assessment begins | July 2011 |
| 2. | First installment to City | January 2012 |

There are many possible alternatives to funding the NPDES program, which require General Fund contributions or other fund contributions either in total or in combination with CSA 152 funds.

Failure by the City to enforce the NPDES program and seek sufficient funding can result in penalties of up to \$37,500 per day for noncompliance and or civil and criminal penalties. This is a federally mandated program administered by the State. **There has been neither State nor federal monies allocated to local agencies to address these requirements.**

ALTERNATIVES

1. Approve the CSA 152 Budget for FY 2011/2012 in the amount of \$537,553 and authorize the levy of CSA 152 Assessment at \$8.15 per BAU for FY 2011/2012. *Approval of this alternative assures that a portion of the funds necessary to support the various storm water management and maintenance programs for the City will continue to be collected.*
2. Do not approve the CSA 152 budget for FY 2011/2012 in the amount of \$537,553, and authorize the levy of CSA 152 assessment at \$8.15 per BAU for

FY 2011/2012. *This alternative does not provide for the collection of the assessment on the annual tax rolls that is necessary to fund portions of the storm water management and maintenance programs and not authorizing either the budget or levy will interrupt that process.*

FISCAL IMPACT

Adoption of the recommended CSA 152 budget and levy assessment will ensure that the City receives its legally authorized funds from this source. However, CSA 152 revenue together with other NPDES related revenues do not fully fund program costs. Fund transfers are anticipated to make up this shortfall and will be further addressed during the FY 2011/2012 City budget process.

Attachment No. 1 is a budget detail sheet and shows the proposed activities and amounts to be funded through the FY 2011/2012 CSA 152 revenues.

Due to the increasing difference between the projected CSA 152 revenue and the NPDES storm water program budgets, it may be necessary in the future to increase the CSA 152 assessment per BAU, identify and implement other funding sources and/or continue fund transfers.

The recommended action tonight will meet the County's deadline and assist in funding the NPDES storm water programs. Approving the CSA 152 budget will help relieve the burden on fund transfers.

The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. **Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program.**

CITY COUNCIL GOALS

The recommended action furthers City Council goals by:

- Revenue Preservation. It maintains a revenue source for a federally mandated program.
- Public Safety. It provides for enhancement of water quality and control of hazardous waste.
- Community Image, Neighborhood Pride, and Cleanliness. It provides for a high level of street sweeping and chemical cleanup.
- Public Facilities and Capital Projects. It insures the proper maintenance of storm drains.

SUMMARY

CSA 152 revenues provide partial funding for the NPDES program. The Administrative Services Agreement between the County and the City requires the City to prepare the CSA 152 budget and submit the budget to the County in early spring. To ensure CSA 152 funding is secured and the assessment remains on the tax rolls for FY 2011/2012 staff is recommending Council adopt the CSA 152 budget as presented. Collection of the assessments on the annual tax rolls is necessary to fund portions of the NPDES storm water management and maintenance programs and not authorizing either the budget or levy will interrupt that process.

NOTIFICATION

Publication of Agenda

ATTACHMENTS/EXHIBITS

Attachment No. 1; Fiscal Years 2010/11 & 2011/12 CSA 152--Budget Detail

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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CITY OF MORENO VALLEY
FISCAL YEARS 2010/11 & 2011/12 CSA 152 - BUDGET DETAIL

	FY2010/11	FY2011/12
1. STORM DRAINAGE SYSTEM INSPECTION (36" AND GREATER - 99,710 LF)		
A. Inspection	\$5,400	\$5,400
B. Document Violations	\$1,200	\$1,200
C. Inspection Preparation Plan	\$5,000	\$5,000
D. Update Facilities Drawings	\$8,000	\$8,000
***** Sub-total =	\$19,600	\$19,600
 2. DRAINAGE AREA MANAGEMENT PLAN (DAMP)		
A. Catch Basin Maintenance	\$167,449	\$151,553
B. Street Sweeping	\$269,880	\$239,414
C. Development of Ordinances/Policies/BMPs	\$12,000	\$12,000
D. Training Program Implementation	\$1,500	\$1,500
E. Inspection of Illegal Connections and Dumping	\$5,000	\$5,000
F. Development of Municipal Facilities Strategy	\$5,000	\$5,000
G. Litter/Trash Characterization	\$5,000	\$5,000
***** Sub-total =	\$465,829	\$419,467
 3. PROGRAM ADMINISTRATION & SUPERVISION		
A. Program Management	\$15,000	\$15,000
B. Consultant's Fee (RCFC&WCD)	\$12,699	\$12,699
***** Sub-total =	\$27,699	\$27,699
 4. LEGAL MAILINGS		
A. Associate Environmental Engineer Cost	\$2,900	\$2,900
B. Clerk's Cost	\$1,150	\$1,150
C. Postage Cost	\$18,999	\$18,999
***** Sub-total =	\$23,049	\$23,049
5. ASSESSOR CHARGE - \$0.25/parcel	\$11,310	\$11,310
6. COUNTY COMPUTER TIME	\$6,000	\$6,000
7. CSA 152 ADMINISTRATION FEE (6%)	\$33,209	\$30,428
TOTAL PROJECTED YEARLY COST(1. through 7.)	\$586,696	\$537,553

ANNUAL ASSESSMENT

COST	\$586,696	\$537,553
TOTAL BENEFIT ASSESSMENT UNITS	71,987	65,957
ANNUAL ASSESSMENT PER BAU	\$8.15	\$8.15

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>Ret</i>
CITY MANAGER	<i>ms</i>

Report to City Council

TO: Mayor and City Council

FROM: Michael McCarty, Director of Parks and Community Services

AGENDA DATE: April 12, 2011

TITLE: Replacement of Play Structures and Playground Surfacing at John F. Kennedy Veterans Memorial Park and Woodland Park

RECOMMENDED ACTION

Staff recommends that the Mayor and the City Council:

1. Award to Miracle Recreation Equipment Company, 878 E Hwy 60, Monett, MO 65708 for material and labor to replace play structures and playground surfacing at John F. Kennedy Veterans Memorial Park and Woodland Park.
2. Authorize the Purchasing Manager to execute a purchase order in an amount not to exceed \$ 241,976.03 as appropriated in FY10/11, in account code 461.65329.7500.

BACKGROUND

In order to comply with the California Code of Regulations, Health and Safety Codes, American Society for Testing and Materials (ASTM) and the U.S. Consumer Products Safety Commission (CPSC), play structures that are not compliant need to be retrofitted and/or replaced to be in compliance. Retrofitting is not an option in these cases, since the play equipment at these sites was discontinued in the 1990's. Miracle Recreation Equipment Company is the supplier for all the play structures that need replacement. Miracle Recreation Equipment Company's play equipment is part of the Parks and Community Services Department's specified standards for tot lots and playgrounds. The play equipment being replaced was manufactured by Miracle Recreation Equipment Company. Additionally, Miracle Recreation Equipment Company handles the specified ADA compliant surfacing used in City parks.

DISCUSSION

Miracle Recreation Equipment Company is the “sole source” for Miracle brand playground equipment and ADA compliant surfacing; therefore, other bids are unobtainable. City Ordinance No. 587, Chapter 3.12, Section 080 permits the use of “sole source”, due to Miracle Recreation Equipment being the only company that matches technical specifications of currently owned play equipment. Additionally, the City is eligible to utilize H-GAC Buy (Houston-Galveston Area Council government-to-government procurement service) to receive substantial discount pricing on the play equipment, surfacing and its installation. In order to maintain and ensure the continuity of adopted park standards and compliance with the State and Federal codes and regulations, staff recommends that Miracle Recreation Equipment Company provide the play structures and this service during installation of the new structures at John F. Kennedy Veterans Memorial Park and Woodland Park.

Performance and Material and Labor security (bonds) have not being required on this project, since the City will only disburse funds after the contracted equipment has been fully installed, inspected, and certified by a Certified Playground Safety Inspector (CPSI).

ALTERNATIVES

1. Award to Miracle Recreation Equipment Company, 878 E Hwy 60, Monett, MO 65708 for material and labor to replace play structures and playground surfacing at John F. Kennedy Veterans Memorial Park and Woodland Park. (Staff recommended this option.)
2. Authorize the Purchasing Manager to execute a purchase order in an amount not to exceed \$ 241,976.03 as appropriated in FY10/11, in account code 461.65329.7500. (Staff recommends this option.)
3. Elect not to award a purchase order to Miracle Recreation Equipment Company at this time and provide further direction to staff.

FISCAL IMPACT

Funding for the new play structures and playground surfacing is estimated not to exceed \$ 241,976.03, utilizing Parkland Development Impact Fees (205). This item is an approved budget item for FY 10/11 in Business Unit 461.65329.7500.

This recommended action imposes NO fiscal impact to the General Fund.

NOTIFICATION

Posting of the agenda.

ATTACHMENTS/EXHIBITS

Exhibit 'A': Independent Contractor Agreement

Prepared By:
 Tony Hetherman
 Parks Projects Coordinator

Department Head Approval:
 Michael McCarty
 Director of Parks and Community Services

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

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EXHIBIT A

City of Moreno Valley

INDEPENDENT CONTRACTOR AGREEMENT

PROJECT 10/11-65329

This Agreement is made by and between the City of Moreno Valley, California, a municipal corporation, hereinafter referred to as the "City", and the following named independent contractor, hereinafter referred to as the "Contractor," based upon City policies and the following legal citations:

- A. Government Code Section 53060 authorizes the engagement of persons to perform special services as independent contractors; and
- B. The public interest, convenience, necessity and general welfare will be served by this Agreement.

This Agreement is made and entered into effective the date the City signs this Agreement.

1. CONTRACTOR INFORMATION:

Miracle Recreation Equipment Company
878 E Hwy 60
Monett, MO 65708
Business Phone: 800-264-7225, Fax No. 877-215-3869
Other Contact Number: 951-695-4515
Social Security Number: N/A
Business License Number: 22609
Federal Tax I.D. Number: 43-1595099

2. CONTRACTOR SERVICES, FEES, AND RELEVANT DATES:

- A. The Contractor's scope of service is described in Exhibit "A" attached hereto and incorporated herein by this reference.
- B. The City's responsibility, other than payment, is described in Exhibit "B" attached hereto and incorporated herein by this reference.
- C. Payment terms are provided in Exhibit "C" attached hereto and incorporated herein by this reference.
- D. The Contractor Starting Date is the date listed on the issued Purchase Order, which will be utilized as the "Notice to Proceed". The Contractor agrees to diligently prosecute the contracted work, including corrective items of work, day to day thereafter, to completion within **ninety (90) working days** after said date in the "Notice to Proceed". The City acknowledges that it will not unreasonably withhold approval of the Contractor's requests for extensions of time in which to complete the work required. The Contractor shall not be responsible for performance delays caused by others or delays beyond the Contractor's reasonable control (excluding delays caused by non-performance or unjustified delay by Contractor, his/her/its employees, or subcontractors), and such delays shall extend the time for performance of the work by the Contractor.
- E. The work performed in this contract shall be performed Monday through Friday, 7 a.m. to 4 p.m. City observed holidays shall be observed by the Contractor and no work shall be performed on these dates.

3. **STANDARD TERMS AND CONDITIONS:**

- A. Control of Work. Contractor is solely responsible for the content and sequence of the work, and will not be subject to control and direction as to the details and means for accomplishing the anticipated results of services. The City will not provide any training to Contractor or his/her/its employees.
- B. Intent of Parties. Contractor is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Contractor or any individual whose compensation for services is paid by the Contractor, an agent or employee of the City, or authorizing the Contractor to create or assume any obligation or liability for or on behalf of the City, or entitling the Contractor to any right, benefit, or privilege applicable to any officer or employee of the City.
- C. Subcontracting. Contractor may retain or subcontract for the services of other necessary contractors with the prior written approval of the City. Payment for such services shall be the responsibility of the Contractor. Any and all subcontractors shall be subject to the terms and conditions of this Agreement, with the exception that the City shall have no obligation to pay for any subcontractor services rendered. Contractor shall be responsible for paying prevailing wages where required by law [See California Labor Code Sections 1770 through 1777.7].
- D. Legal Considerations. The Contractor shall comply with applicable federal, state, and local laws in the performance of this Agreement.
- E. Contractor Indemnification. 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 the (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.
- F. City Indemnification. The City agrees to indemnify, defend and save the Contractor and its officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and 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 City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City 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, agent, employees, or subcontractors.
- G. Insurance Requirements. The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Agreement, any extension thereof, and for a one (1) year warranty period, General Liability, Automobile Liability, and Workers' Compensation Insurance with such coverage limits as described in this Agreement.

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), 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:

	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.

- H. Intellectual Property. Any system or documents developed, produced or provided under this Agreement, including any intellectual property discovered or developed by Contractor in the course of performing or otherwise as a result of its work, shall become the sole property of the City unless explicitly stated otherwise in this Agreement. The Contractor may retain copies of any and all material, including drawings, documents, and specifications, produced by the Contractor in performance of this Agreement. The City and the Contractor agree that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.
- I. Entire Agreement. This Agreement constitutes the entire agreement between the parties. There are no understandings, agreements, or representations of warranties, expressed or implied, not specified in this Agreement. This Agreement applies only to the current proposal as attached. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties. Assignment of this Agreement is prohibited without prior written consent.
 - (a) The City may terminate this Agreement without cause by giving at least ten (10) days written notice to the Contractor. The written notice shall specify the date of termination. Upon receipt of such notice, the Contractor may continue work through

the date of termination, provided that no work or service(s) shall be commenced or continued after receipt of the notice which is not intended to protect the interest of the City. The City shall pay the Contractor within thirty (30) days after receiving any invoice after the date of termination for all non-objected to services performed by the Contractor in accordance herewith through the date of termination.

(b) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Contractor shall perform no further work or service(s) under the Agreement unless the notice of termination authorizes such further work.

J. Payment. Payments to the Contractor pursuant to this Agreement will be reported to Federal and State taxing authorities as required. The City will not withhold any sums from compensation payable to Contractor. Contractor is independently responsible for the payment of all applicable taxes. Where the payment terms provide for compensation on a time and materials basis, the Contractor shall maintain adequate records to permit inspection and audit of the Contractors time and materials charges under the Agreement. Upon reasonable notice, such records must be made available to the City's agent; however, nothing herein shall convert such records into public records. Such records shall be retained by the Contractor for three (3) years following completion of the services under the Agreement.

K. Partial Payments.

For the purpose of making partial payments, the amount set forth for the contract items of work hereinafter listed shall be deemed to be the maximum value of said contract item of work, which will be recognized for progress payment purposes.

John F. Kennedy Playground Equipment Installed Complete	\$85,414.63
Woodland Park Playground Equipment Installed Complete	\$156,561.40
Total Contract Amount	\$241,976.03

No partial payment will be made for any materials on hand which are furnished but not incorporated in the work. A maximum total of two (2) payments will be made, as listed herein, after each item has been fully installed, inspected and certified by an authorized Certified Playground Safety Inspector (CPSI).

L. Stop Notice Withholds. The City may withhold payments to cover claims filed under Civil Code § 3179 et seq.

M. Restrictions on City Employees. The Contractor shall not employ any City employee or official in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

N. Choice of Law and Venue. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall govern the interpretation of this Agreement. Any legal proceeding arising from this Agreement shall be brought in the appropriate court located in Riverside County, State of California.

O. Legal Action. 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 judgement 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 judgement.

P. Warranty. 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.

- Q. Prevailing Wage. 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 and Prevailing Wage Rates. 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. The Contractor shall submit a list of all trades utilized in the project and corresponding DIR wage determinations.
- R. Records. 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 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.
- S. Performance. 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.
- T. Workers' Compensation. 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.
- U. Contract Commencement. The effective date of this Contract Agreement shall be the date of the Award of Contract by the City of Moreno Valley.
- V. Licensing. 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 TO FOLLOW

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

Contractor/Consultant Name

BY: _____

Mayor

BY: _____

TITLE: _____
(President or Vice President)

Date

Date

BY: _____

TITLE: _____
(Corporate Secretary)

Date

INTERNAL USE ONLY

ATTEST:

City Clerk
(only needed if Mayor signs)

APPROVED AS TO LEGAL FORM:

City Attorney

Date

RECOMMENDED FOR APPROVAL:

Department Head
(if contract exceeds 15,000)

Date

ATTACHMENT 'A'

SCOPE OF WORK

John F. Kennedy Veterans Memorial Park:

1. Provide and maintain temporary fence around area of work (no barb wire allowed).
2. Remove and dispose of (E) Lokville structure, 2 swings, and concrete footings. Recycle steel and concrete.
3. Remove and dispose of (E) Lokville pathway at Lokville structure.
4. Remove, dispose and recycle concrete pad under rubber pathways and existing ramp.
5. Install two ADA ramps with a maximum 4.5% slope (direction of travel) and a 1.5% maximum cross slope. The ramps must extend to the bottom of the play pit and have a minimum 4" high protective edge. All ramps shall be compliant with ADA/Title 24 and have landings. Ramps shall be reinforced with #4 rebar @ 24" on center.
6. Displace (E) EWF for new play equipment installation and regrade. Install one (1) large sump drain, utilizing drainage fabric and ¾" washed gravel. The grade shall slope approximately 2% toward the sumps.
7. Install Miracle KC play structure, swing seats, Xccent riders, Xccent F4 and replacement slide. (per attachment 'D').
8. Excludes Fibar installation. To be purchased and installed by Parks Maintenance.
9. Replace/repair turf damage from access route
10. Contractor to supply product submittals and shop drawings. Concrete shall be Greenbook 2500 PSI for footings and Greenbook 560C-3250 PSI for flatwork. Fly ash will not be permitted on any concrete. Contractor shall compact all footing excavations and flatwork sub base to 90%.
11. Contractor shall notify Underground Service Alert, prior to any excavation.
12. Contractor to provide certified payroll reports weekly.
13. Contractor to provide unconditional releases from all material suppliers and subcontractors.
14. Concrete removals from the site shall be sent to a recycling facility. Contractor to provide the City a **weight certification and weight in 'Tons'** for all concrete removed from the project. The certification shall be generated from the disposal or recycler facility. The contractor shall be careful not to contaminate concrete with other foreign matter.

ATTACHMENT 'A'

SCOPE OF WORK (continued)

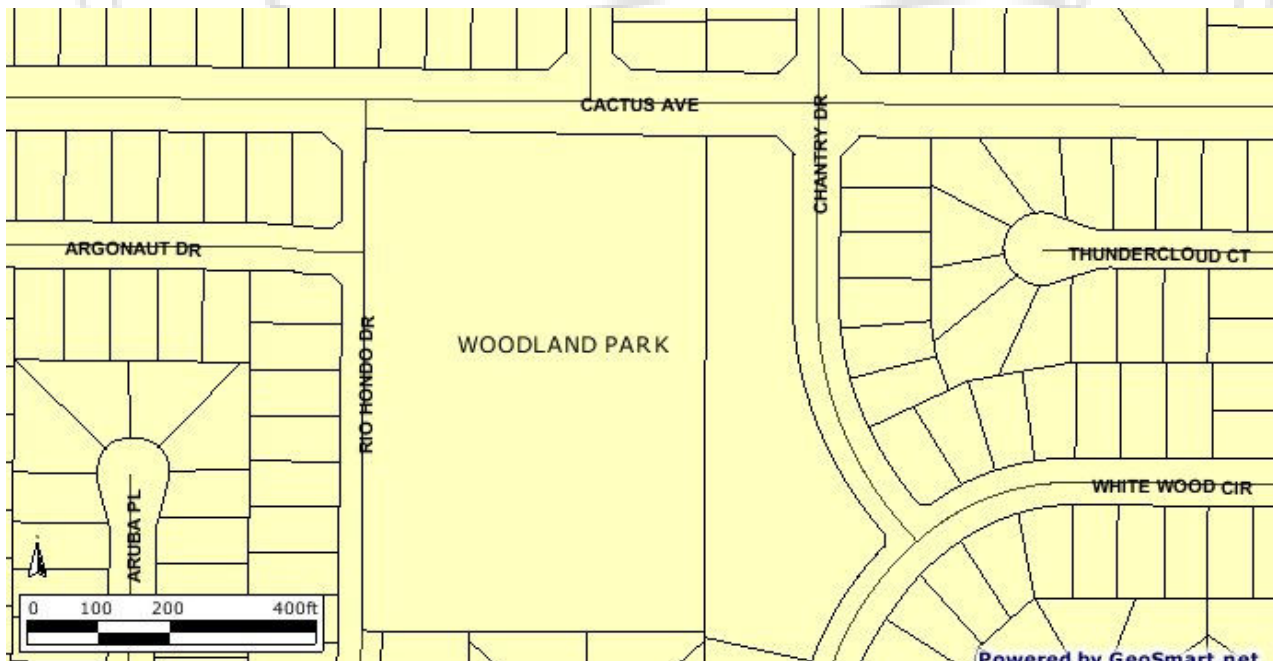
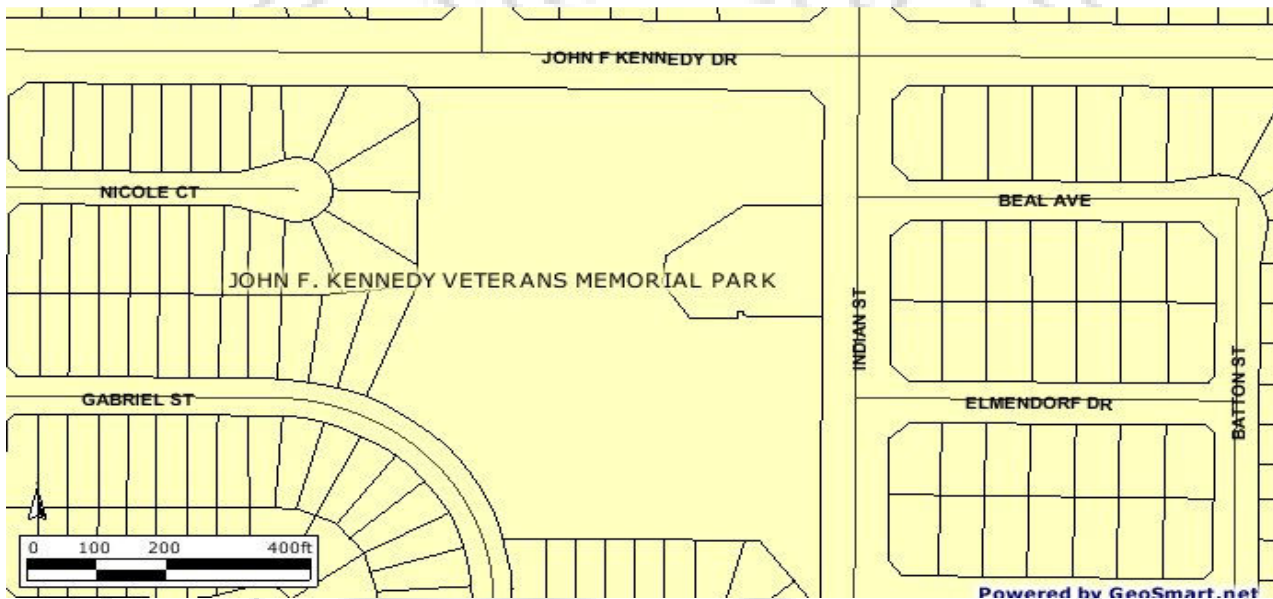
Woodland Park (Two Areas):

1. Provide and maintain temporary fence around area of work (no barb wire allowed).
2. Demo and dispose of all existing play equipment, rubber surfacing and footings. Recycle steel and concrete.
3. Excavate and dispose of approximately 6000 square feet of existing sand to a minimum depth of 14".
4. Install two concrete ADA ramps with a maximum 4.5% slope (direction of travel) and a 1.5% maximum cross slope. The ramps must extend to the bottom of the play pit and have a minimum 4" high protective edge. All ramps shall be compliant with ADA/Title 24 and have landings. Ramps shall be reinforced with #4 rebar @ 24" on center.
5. Install two (2) large sump drains, utilizing drainage fabric and ¾" washed gravel. The grade shall slope approximately 2% toward the sumps.
6. Install Miracle KC play structures, swing seats and Xccent rider (per attachments 'E' AND 'F').
7. Install a minimum of 6,092 square feet of Fibar System 300 (including filter cloth and drainage channels) to a compacted depth of 12", utilizing a blow-in system. Contractor shall make allowances for the extra depth created by the drainage slope. The finished surface of Fibar shall be level across the perimeter of the play pit.
8.
 - a. Remove & dispose (E) pavers (1,441 sf)
 - b. Remove & dispose (E) concrete walks (224 sf)
 - c. Sawcut, remove & dispose (E) concrete curb (88 lf)
 - d. Construct 4" concrete walk, 3250 psi no fly ash med, broom finish (944sf)
 - e. Construct (2) concrete ramps at play area
 - f. Construct 8" x AV 18" H concrete play curb with 2 #4 cont. (43 lf)
 - g. Replace/repair turf damage from access route
 - h. Powerbrush/clean exposed split face wall (2) areas where ramp occurs
9. Contractor to supply product submittals and shop drawings. Concrete shall be Greenbook 2500 PSI for footings and Greenbook 560C-3250 PSI for flatwork. Fly ash will not be permitted on any concrete. Contractor shall compact all footing excavations and flatwork sub base to 90%.
10. Contractor shall notify Underground Service Alert, prior to any excavation.
11. Contractor to provide certified payroll reports weekly.
12. Contractor to provide unconditional releases from all material suppliers and subcontractors.
13. Concrete removals from the site shall be sent to a recycling facility. Contractor to provide the City a **weight certification and weight in 'Tons'** for all concrete removed from the project. The certification shall be generated from the disposal or recycler facility. The contractor shall be careful not to contaminate concrete with other foreign matter.

ATTACHMENT 'B'

CITY'S RESPONSIBILITY AND PROJECT LOCATION

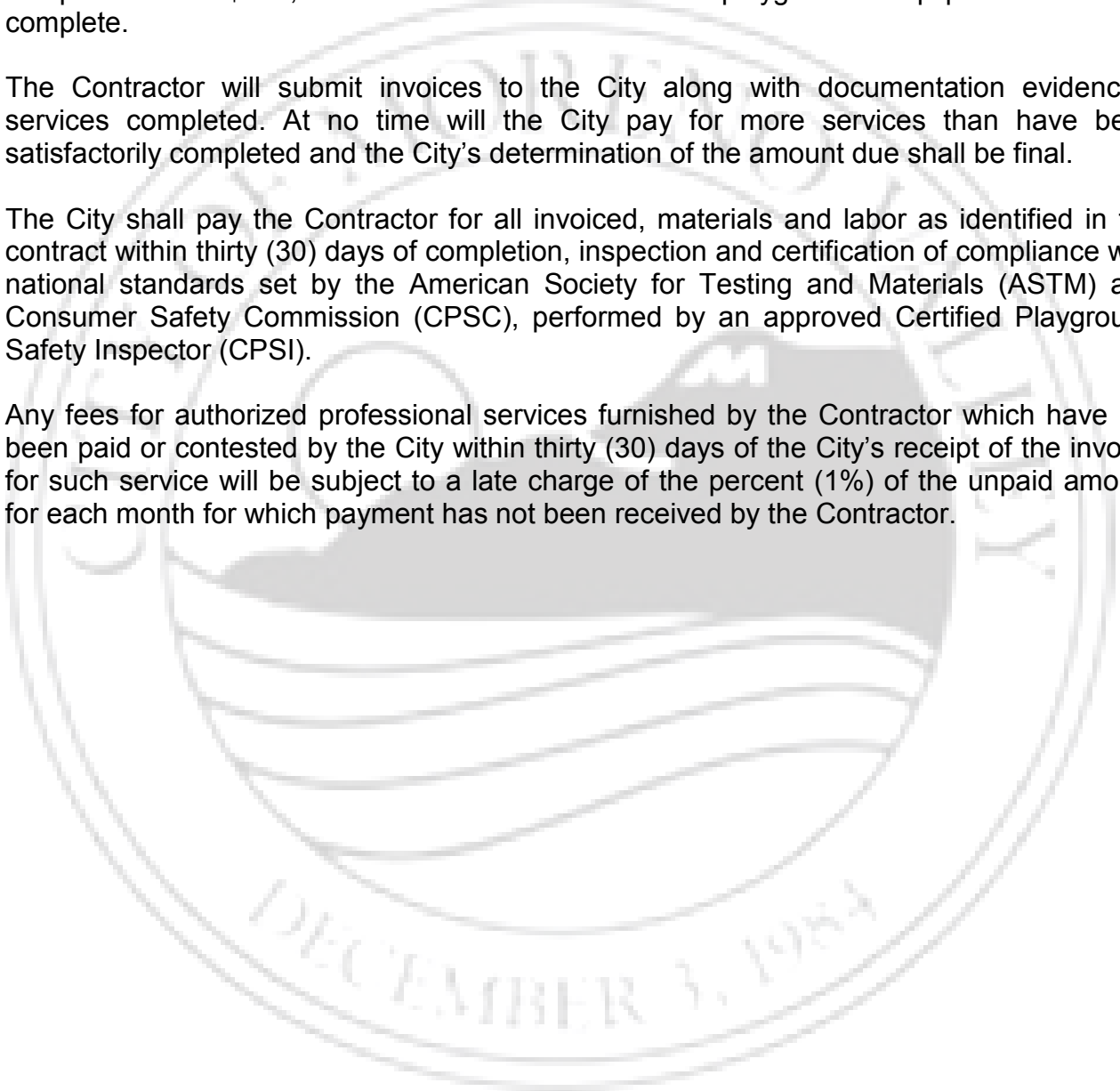
- Provide access to the site.
- Provide contractor access to water.
- Ensure irrigation water is off as necessary for the Contractor to perform their duties. The contractor shall notify the Park Maintenance Division one working day in advance to have irrigation turned off.

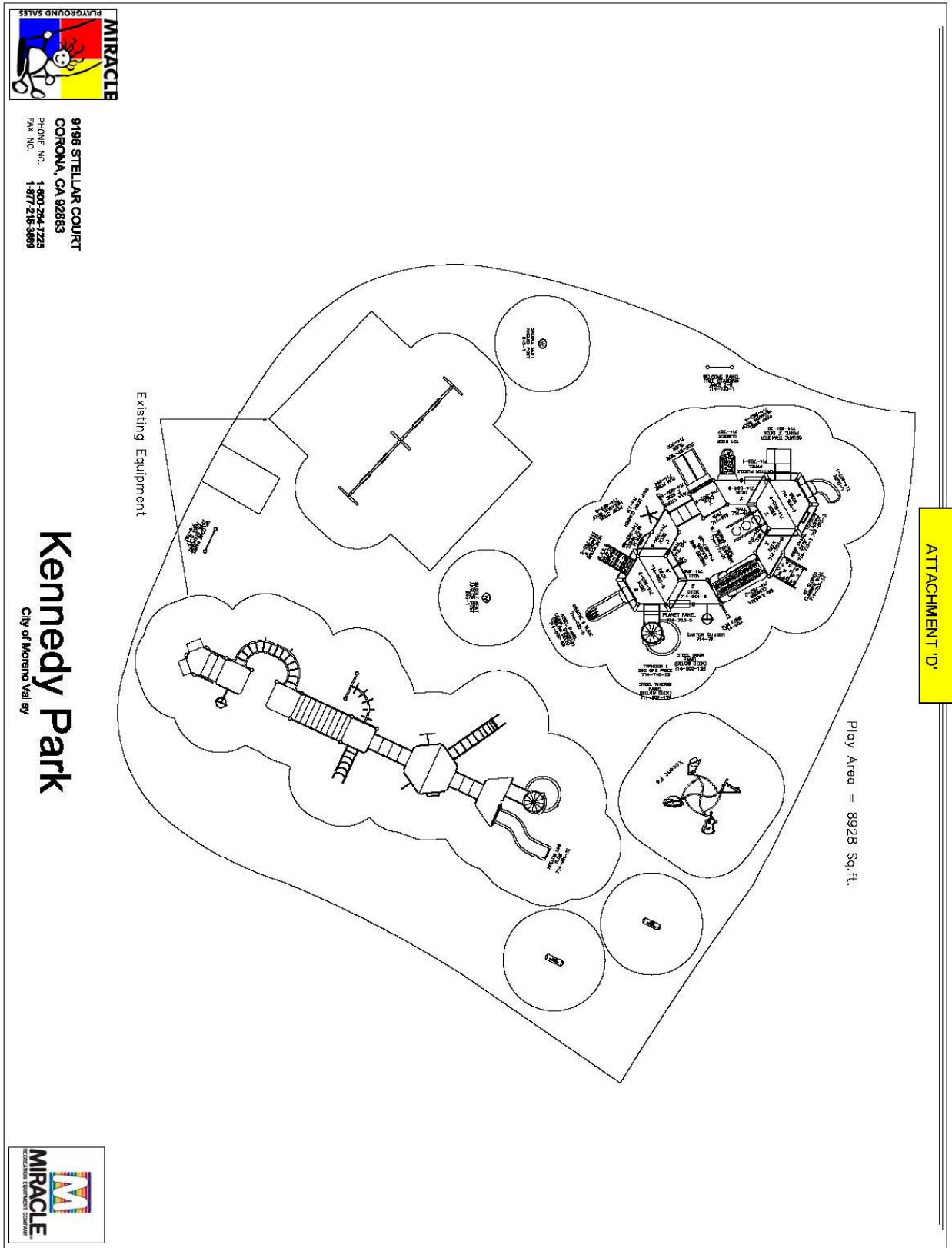


ATTACHMENT 'C'

TERMS OF PAYMENT

1. The Contractor's total compensation shall not exceed **\$ 241,976.03**, consisting of \$85,414.63 for John F. Kennedy Veterans Memorial Park play equipment installed complete and \$156,561.40 for Woodland Park playground equipment installed complete.
2. The Contractor will submit invoices to the City along with documentation evidencing services completed. At no time will the City pay for more services than have been satisfactorily completed and the City's determination of the amount due shall be final.
3. The City shall pay the Contractor for all invoiced, materials and labor as identified in the contract within thirty (30) days of completion, inspection and certification of compliance with national standards set by the American Society for Testing and Materials (ASTM) and Consumer Safety Commission (CPSC), performed by an approved Certified Playground Safety Inspector (CPSI).
4. Any fees for authorized professional services furnished by the Contractor which have not been paid or contested by the City within thirty (30) days of the City's receipt of the invoice for such service will be subject to a late charge of the percent (1%) of the unpaid amount for each month for which payment has not been received by the Contractor.



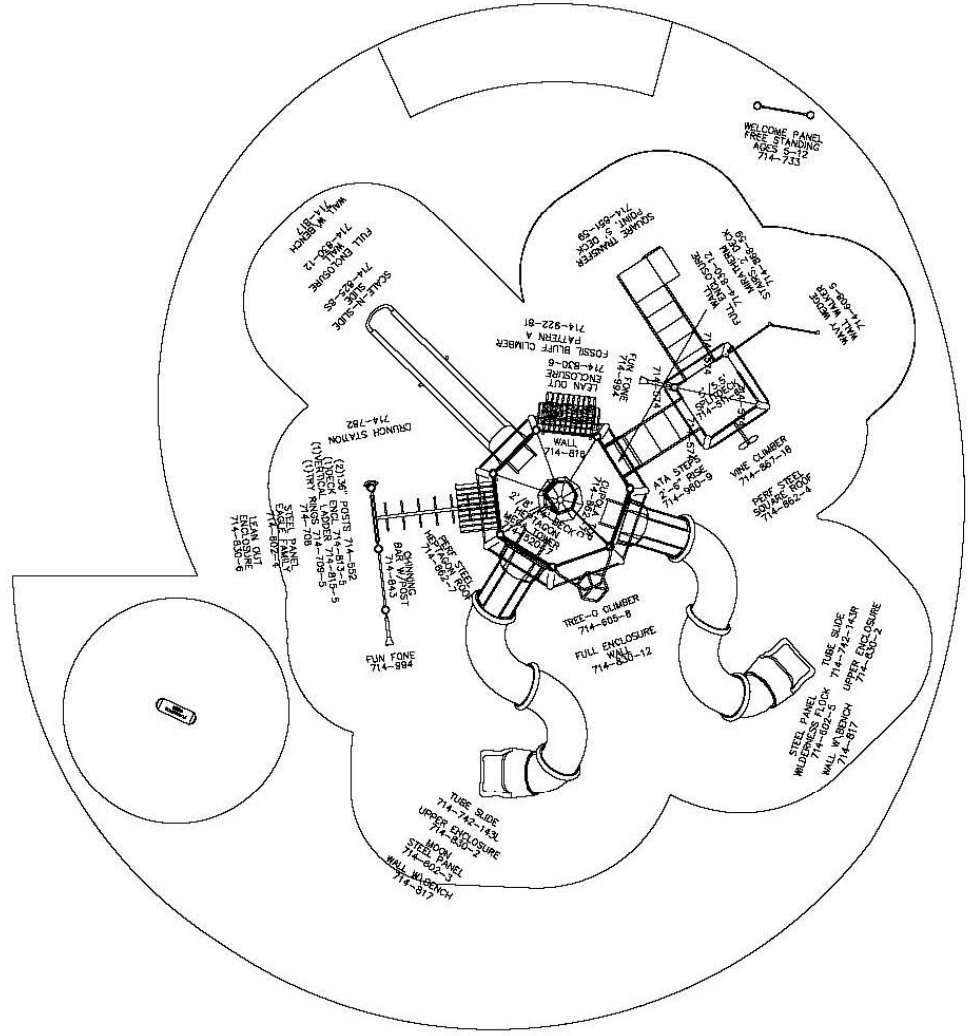




9198 STELLAR COURT
 CORONA, CA 92883
 PHONE NO. 1-909-244-7225
 FAX NO. 1-877-215-3888

Woodland Park - 5-12 Area

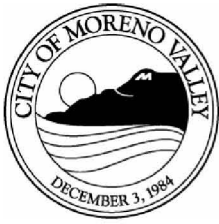
City of Moreno Valley



Fibor Area = 3068 Sq.ft.

ATTACHMENT 'F'





APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RH</i>
CITY MANAGER	<i>ms</i>

Report to City Council

TO: Mayor and City Council

FROM: Steve Curley, Fire Chief

AGENDA DATE: April 12, 2011

TITLE: Resolution for the Abatement of Public Nuisances

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2011-30 of the City of Moreno Valley, California, confirming assessments on certain real properties as outlined in the Property Assessment List in this staff report for the abatement of nuisances.

BACKGROUND

Pursuant to the provisions of the City of Moreno Valley Municipal Code Chapter 6.04, in order to protect and preserve the health, safety, and general welfare of the public, the City Manager or his designee directs the abatement of various public nuisances and the recovery of costs associated with said abatements. Cost recovery may be obtained by recording a Notice of Special Assessment with the County Recorder's Office.

DISCUSSION

The Property Assessment List for general nuisance and weed abatements is hereby submitted for review and consideration by the City Council. Fire Prevention Bureau staff initiated and completed abatement action of weeds in various locations within the City.

A statement of costs was mailed to the legal owner of record for each property requiring abatement action. The County of Riverside equalized tax assessment roll was utilized to determine property ownership. A summary of each abatement is included in the statement of costs, along with the owner's name(s), property description, and the cost for the abatement action. A copy of the statement of costs shall remain on file in the Fire Prevention Bureau.

The Property Assessment List is a current listing of unpaid abatement costs incurred during 2010. Costs approved by the City Council Resolution will result in a special assessment and will become a levy on the FY 2011/2012 tax bill if not paid directly to the City by July 1, 2011. The Notices of Special Assessment will be recorded at the Riverside County Recorder’s Office following approval by the City Council.

ALTERNATIVES

1. Pursuant to Chapter 6.04.100, Council may revise, correct or modify the statement of costs as deemed appropriate.
2. Council may approve Staff’s report, and adopt the Resolution for the Abatement of Public Nuisances.

FISCAL IMPACT

1. Adoption of the resolution would facilitate cost recovery for those costs incurred by the City for public nuisance and hazard reduction work performed as outlined in the attached Property Assessment List
2. Not adopting the resolution would result in costs for contract abatement work being absorbed by the City for all costs that remain unpaid by the property owners.

As detailed in Exhibit 1, the costs incurred by the City for contractual abatements are outlined below. An additional \$13.00 Special Districts Administration (S.D.A.) fixed charge will be added for each parcel at the time the assessment is placed on the County of Riverside Tax Roll for FY11/12.

Fire Prevention Bureau

Contractual, Inspection, and Administrative	\$128,951.17
S.D.A. Fixed Charge Fee: (141 @ \$13.00 each)	\$1833.00
Total:	130,783.17

The Property Assessment List, as approved by City Council, is subject to amendment as necessary to reflect any payments subsequently received from property owners. Costs not paid in full by July 1, 2011, will be processed as special assessments and cost recovery will occur through the payment of taxes. The Statement of Costs and Notices of Special Assessment for each property shall remain on file in the Fire Prevention Bureau. If payment, or partial payment, is received from property owners, that portion of the Exhibit(s) will be revised as appropriate.

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.
- **Positive Environment**. Create a positive environment for the development of Moreno Valley's future.
- **Community Image, Neighborhood Pride and Cleanliness**. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs that will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

SUMMARY

The Fire Prevention Bureau performed public nuisance abatements during 2010. These abatements were to remove hazardous and other nuisance conditions from properties. After having been served with a "Notice to Abate" and given a reasonable time for compliance, the property owners failed to voluntarily abate the conditions.

Property owners were served with a Statement of Costs and billed, requesting payment for all costs associated with the City-performed abatement action, by regular mail. Staff is requesting that the City Council authorize the placement of unpaid abatement costs as a special assessment (tax lien) against the properties.

NOTIFICATION

Moreno Valley Municipal Code Section 6.04.060 – Notification of Nuisance provides that written notice of nuisance conditions **may** be given to property owners in the following manner:

By regular mail addressed to the owner or person in charge and control of the property; at the address shown on the last available equalized assessment roll of the County of Riverside; or as otherwise known, by posting a "Notice to Abate" on the property where the nuisance condition(s) exists thereby allowing ten days to comply.

Notification of weed abatement conditions was specifically met by:

1. Mailing a "Notice to Abate" to property owners by regular mail.
2. Telephone contact with property owners, when possible (i.e., phone number on file).

ATTACHMENTS/EXHIBITS

Attachment A: Moreno Valley Municipal Code Chapter 6.04, Abatement of Public Nuisances
Attachment B: Sample Notices: Weed and Nuisance Abatement Notice
Attachment C: Resolution No. 2011-30
Exhibit 1: Property Assessment List

Prepared By:
Lisa Turnbow
Senior Administrative Assistant

Department Head Approval:
Steve Curley
Fire Chief

Concurred by:
Randall Metz
Fire Marshal

W:\Fire\Abatements\2010 Council Mtg for fy10/11 tax year\Staff Report Information\STAFF REPORT Nuisance CC MtgApr 12.doc

Chapter 6.04**ABATEMENT OF PUBLIC
NUISANCES*****Sections:**

- 6.04.010 Purpose.**
6.04.020 Definitions.
6.04.030 General provisions.
6.04.040 Declaration of nuisances.
6.04.050 Abatement.
6.04.060 Authorization for city manager.
6.04.070 Authority to inspect.
6.04.080 Notification of nuisance.
6.04.090 Appeals.
6.04.100 Abatement by city.
6.04.110 Emergency abatement.
6.04.120 Abatement costs.
6.04.130 Alternatives.

* Prior ordinance history: Ords. 363, 471, 509, 528, 533 and 694.

6.04.010 Purpose.

This chapter is adopted to declare what constitutes a public nuisance and to establish procedures to abate nuisances and to recover costs of such abatement. It is declared to be in the public interest to promote the health, safety and welfare of the residents of the city by providing a summary procedure for the abatement of nuisances, which abatement procedures shall be in addition to all other proceedings by this code or otherwise by law. (Ord. 772 § 2, 2008)

6.04.020 Definitions.

Unless specifically defined in this section, words and phrases used in this chapter shall be interpreted to give them the meaning in

common usage and to give this chapter its most reasonable application.

“Abandoned” (vehicle) means any vehicle which has been left on private property or public property in such inoperable or neglected condition that the owner’s intention to relinquish all further rights or interests in may be reasonably concluded.

“Abandoned” (building, structure or property) means any property that is vacant and under a current notice of default, notice of trustee’s sale or that has been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure, or that is transferred under a deed in lieu of foreclosure or sale.

“Abatement” means the demolition, removal, repair, maintenance, construction, reconstruction, replacement or reconditioning of structures, appliances or equipment; or the removal, transportation, disposal and treatment of waste and abandoned materials and equipment capable of harboring, breeding, or attracting rodents or insects or producing odors or blight.

“Attractive nuisance” means any condition, instrumentality or machine which is unsafe and unprotected and thereby dangerous to young children by reason of their inability to appreciate the peril which exists, and which may reasonably be expected to attract young children to the premises and risk injury by playing with, in, or on it. Attractive nuisances may include, but shall not be limited to: (1) abandoned and/or broken equipment; (2) hazardous pools, ponds, culverts, excavations; and (3) neglected machinery.

“Building” means any structure, including, but not limited to, any house, garage, duplex, apartment, condominium, stock cooperative, mobilehome, or other residential, commercial

or industrial structure or any portion thereof, which is designed, built, rented or leased to be occupied or otherwise is intended for supporting or sheltering any use or occupancy, and any commercial, industrial or other establishment, warehouse, kiosk or other structures affixed to or upon real property, used for the purpose of conducting a business, storage or other activity.

“Construction material” means any discarded material from the building or destruction of structures, roads and bridges, including concrete, rocks, asphalt, plasterboard, wood and other related material.

“Enforcement officer” means the individual designated by the city manager to cause inspections and to take such actions as may be required by the provisions of this chapter for the purpose of enforcing the city’s municipal code.

“Garbage” means any putrescible animal, fish, fowl, food, fruit or vegetable matter resulting from the cultivation, preparation, storage, handling, decay or consumption of the substance.

“Hazardous substance” means any chemical compound, mixture, substance or article which is identified or listed by the United States Environmental Protection Agency or appropriate agency of the State of California as a “hazardous waste,” as defined in 40 C.F.R. Section 261.33, except that for the purposes of this chapter, hazardous waste also shall include “household waste,” as defined in 40 C.F.R. 261.4(B)(1).

“Hearing officer” means the individual appointed by the city manager to hear the appeal on a determination of the existence of a nuisance.

“Improved surface” means a ground surface covered or paved with concrete, asphalt,

brick and mortar, stone and mortar, concrete pavers and mortar and/or such other material as has been approved for parking of vehicles by the community development director in such a manner as is designed to properly support the gross weight of the class of vehicle parked, support all wheels of the vehicle and permanently prohibit both weed growth around and under the vehicle and leakage of oil, fuel and other fluids into the ground.

“Infestation” means the presence, within or contiguous to, a structure or premises of termites, insects, vermin rodents or other pests. If the actual presence of pests cannot be confirmed, the presence of fresh droppings, larvae, eggs, recent rodent holes or other such evidence may be used to identify a current infestation.

“Inoperable vehicle” means any vehicle which cannot be legally operated on a public street because the vehicle lacks an engine, transmission wheels, tires, doors, windshield or any other part or equipment necessary to operate the vehicle safely, or is not currently registered with the California Department of Motor Vehicles.

“Junk” means any cast-off, damaged, discarded, obsolete, salvaged, scrapped, unusable, worn-out or wrecked object, thing or material including, but not limited to, those composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, plaster, rubber, terra cotta, wool, cotton, cloth, canvas, wood, metal, sand, organic matter or other substance, crates, cartons, containers, boxes, machinery or parts thereof, scrap metal, furniture or parts thereof, trimmings from plants or trees, cans, bottles and barrels.

“Odor” means any smell, scent or fragrance.

"Owner" means any person, agent, firm or corporation having legal or equitable interest in the property.

"Person" means an individual, partnership, corporation, association or organization, or agent of any of the foregoing.

"Premises" means any lot or parcel of land upon which a building is situated, including any portion thereof improved or unimproved, and adjacent streets, sidewalks, parkways and parking areas.

"Property" means any lot or parcel of land, including any alley, sidewalk, parkway or unimproved public easement.

"Refuse" means any putrescible and non-putrescible solid waste, except sewerage, whether combustible or noncombustible and includes garbage and rubbish.

"Responsible person" means the owner of record of real property, any occupant, agent, custodian, lessee, manager, user or interested holder in property or premises, including, but not limited to, a trustee or beneficiary who holds a deed of trust to abandoned property; or any other person determined to have caused, committed, or permitted a violation of this code, or any other law, statute, regulation or rule regulating public nuisances.

"Right-of-way" means any area or parcel of property granted, deeded, dedicated to, or otherwise acquired by the city or the public at large for any public purpose including, but not limited to, roadways, alleys, streets, parkways, pedestrian ways, and sidewalks.

"Vacant" or "vacated" means real property not lawfully occupied by or with the consent of the owner or leaseholder of the property.

"Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a highway or upon water or

through the air, excepting a device moved exclusively by human power.

"Weeds" means useless and troublesome plants generally accepted as having no value and frequently of uncontrolled growth. (Ord. 772 § 2, 2008)

6.04.030 General provisions.

A. The provisions of this chapter are applicable to all property located within the city wherein any of the conditions, uses or activities hereafter specified are found to exist.

B. This chapter shall not apply to any condition expressly allowed or authorized by federal or state law or any other provision of this code.

C. The list of conditions, uses and activities declared to be public nuisances is not intended to be exclusive and additional conditions, uses or activities may be declared by the city council by amendment of this chapter or any other means authorized by law.

D. Violations of this chapter shall be treated as strict liability offenses regardless of intent. (Ord. 772 § 2, 2008)

6.04.040 Declaration of nuisances.

It is unlawful and is declared a nuisance for any responsible person in the city to maintain or allow another to maintain, or fail to maintain any of the following conditions:

A. Buildings, structures, facilities, equipment, devices or improvements:

1. Maintained in violation of any provision of any comprehensive or uniform building, plumbing, electrical, housing, mechanical or fire code as adopted by the city or enacted by the state of California and codified in the California State Codes or within the California Code of Regulations;

2. Maintained in violation of any provision of Title 9 of this code, including, but not limited to, prohibited uses, setback violations, development standards and sign regulations;

3. Which have been abandoned, vacated, boarded up, partially destroyed, or left in a state of partial construction or repair for a period exceeding ninety (90) days, or and have become accessible to unauthorized persons including, but not limited to, juveniles, vagrants or persons engaged in illegal, hazardous, drug or gang activity;

4. Which have become defective, unsightly, or in such a condition of deterioration or disrepair as the same may cause depreciation of the property values to surrounding properties;

5. Upon which the condition of the exterior coating has become so deteriorated as to permit decay, excessive checking, cracking, dry rot, termite infestation, broken windows or warping;

6. With graffiti or other words, lettering or drawings not otherwise permitted by the provisions of this code, state or federal law on visible or exterior surfaces;

7. Without a connection to a sewer disposal system or sanitary sewer if occupied or with any leaking seeping sewage;

8. Without a connection to a permanent electrical service if occupied and such service is available within three hundred (300) feet of the occupied building or structure.

9. Without hot water, running water, adequate heating, and electricity if occupied;

10. Constructed in violation of any state or local law or regulation relating to the condition, use or maintenance of buildings.

B. Outdoor storage or maintenance of the following:

1. Abandoned, damaged or broken equipment, machinery, household items or appliances;

2. Refuse, rubbish, scrap metal, appliances, shopping carts, wood, plant cuttings, broken or discarded furniture or household equipment, junk, trash or debris, parts, cans, boxes or containers;

3. Garbage or trash containers stored in a manner so as to be visible from public rights-of-way, except when in places of collections and at times for collection as permitted in this code;

4. Any hazardous substance or waste product, including, but not limited to biological material, oil, gasoline, automotive fluids, and household chemicals not lawfully stored or which has been discharged, released, placed or deposited upon any premises or onto any public property;

5. Construction materials, equipment or machinery in any front yard, front setback or driveway in a residential zone;

6. Any materials that are stored or stacked in a manner in which the materials could be discharged into a storm drain system.

C. Landscaping, vegetation, or improved or unimproved property in any of the following conditions:

1. Property, including any sidewalks and parkways adjacent thereto, containing weeds, dry grasses, dead trees, dead shrubs, or any other material which bears seeds of a wingy or downy nature or which by reason of their size, manner of growth or location, constitute a fire hazard or a threat to public health, or containing weeds, vegetation, grasses, trees or shrubs, including, but not limited to sagebrush, chaparral, and Russian Thistle (tumbleweed) which, when dry, will in reasonable

probability constitute a fire hazard or be blown onto adjoining property by prevailing winds;

2. Containing stagnant or standing water, refuse, rubbish, offal, excrement or other waste materials which emit an odor.

3. Unimproved surfaces of front and visible side yards not completely landscaped and covered with any combination of ground cover consisting of live plant materials, decorative rock, redwood bark, and/or mulch as long as such covering is consistent with any existing land use approvals, permits, entitlements, contracts or environmental document relating to the property;

4. Trees and shrubs containing dead or fallen limbs or branches that may present a safety hazard;

5. Trees or shrubs which are overgrown or contain limbs or branches that restrict, impede or obstruct the use of or obscure the visibility of pedestrians or drivers using the public right-of-ways, easements, sidewalks or roadways;

6. Overgrown vegetation likely to harbor vermin, insects or rodents of any kind;

7. Not conforming to any requirement set forth in any zoning or land use approval, permit, entitlement, contract or environmental document relating to the property.

D. Vehicles stored, parked, used or maintained in any of the following manners:

1. To allow or perform the maintenance, repair, restoration, painting, body work or dismantling of any vehicle, equipment or parts thereof on the exterior portion of any residential property. This prohibition shall not apply to work specifically authorized by state or local law or regulation, and shall not apply to minor repair or maintenance of vehicles which are registered to the person residing on

the property and such repairs or maintenance are not conducted outside for longer than seventy-two (72) consecutive hours;

2. Parked or stored on unimproved surfaces;

3. Encroaching onto or over any pedestrian pathway or sidewalk or which restrict, impede or obstruct the use of or obscure the visibility of pedestrians or drivers using the public right-of-ways, easements, sidewalks or roadways;

4. With accumulations of debris, leaves, weeds or other materials in the areas around and under the vehicle;

5. As residential living space or occupancy, including, but not limited to, sleeping, cooking, dining, or bathing.

6. Inoperable, abandoned, wrecked, or dismantled vehicles or parts thereof not stored entirely within an enclosed building;

E. Property containing any of the following:

1. Wells, swimming pools, spas, ponds or excavations containing water or any other liquid in excess of twenty four (24) inches in depth at any point and exceeding five thousand (5,000) gallons in capacity which are unfenced or otherwise unprotected with a barrier at least five (5) feet in height;

2. Any device, equipment, instrument, vehicle, machinery or animal which creates a loud or unusual noise in violation of Chapter 11.80 of this code;

3. Any hazard to the public obstructing the use of or obscuring the visibility of pedestrians or drivers using the public right-of-ways, easements, sidewalks or roadways, including, but not limited to, walls, fences, shrubs, trees, vehicles or structures;

4. Walkways, driveways, parking lots and other improved surfaces in a deteriorated or

unsafe condition or with fading required striping or markings;

5. An infestation of termites, insects, vermin, rodents or other pests;

6. The display or placement upon any fence, wall, tree, bush or any other structure, or portion thereof, of any linens, rugs, fabrics, nylon, or any other item of clothing or similar items except upon a recognized clothes line facility not located in the front yard.

7. Any attractive nuisance;

8. Any condition which creates a detriment or hazard to the public health, safety or general welfare as to constitute a public nuisance as defined by California Civil Code Section 3480, California Health & Safety Code Section 11570, California Penal Code Section 11225, or California Government Code Section 39561. (Ord. 772 § 2, 2008)

6.04.050 Abatement.

All or any part of any real property, or building or structure located thereon, found to constitute a public nuisance as provided in this chapter, shall be abated by rehabilitation, repair, removal or demolition pursuant to the procedures set forth in this chapter. (Ord. 772 § 2, 2008)

6.04.060 Authorization for city manager.

The city manager is authorized to administer and enforce the provisions of this chapter. The city manager may appoint and authorize one or more members of the city staff to act as his designee to administer or enforce this chapter. In the context of this chapter, the phrase "city manager" includes each and all persons designated by the city manager to assist in the administration and enforcement

of this chapter, as limited by the terms of the delegation. (Ord. 772 § 2, 2008)

6.04.070 Authority to inspect.

A. Enforcement officers are authorized to enter upon any property or premises within the city to ascertain whether or not a nuisance as defined in this chapter exists, and to make any examination and surveys as may be necessary in the performance of their enforcement duties.

B. Inspections may include the taking of measurements, photographs, samples or other physical evidence.

C. All inspections will be made only after having been given consent to inspect from a responsible person or after having obtained an administrative inspection warrant pursuant to California Code of Civil Procedure Section 1822.50 et seq.

D. Inspections of exterior conditions of property may be made from public property or from the private property of another with consent without obtaining a warrant or the consent of the occupant of the observed property. (Ord. 772 § 2, 2008)

6.04.080 Notification of nuisance.

A. When the city manager or authorized representative thereof determines that any condition on property within the city constitutes a nuisance as declared in Section 6.04.040, such person shall give written notice to abate to responsible person(s), as identified on public records or tax rolls, ordering the abatement of said nuisance.

B. The notice to abate shall contain the following information:

1. The name of the record owner of the property;

2. The date of the inspection;
 3. The date of the violation(s);
 4. The street address, assessor's parcel number or other definite description of the location where the violation(s) exist;
 5. The code sections violated;
 6. A description of the condition of the property creating the nuisance;
 7. A list of necessary corrections to bring the property into compliance;
 8. A reasonable time limit for correction based upon the nature of the nuisance;
 9. A reference to the potential consequences for failure to abate the nuisance by the specified time period;
 10. An order prohibiting the continuation or repeated occurrence of the nuisance;
 11. The name and signature of the enforcement officer; and,
 12. Notice of the right to appeal.
- C. Notice required by this chapter may be served in any of the following manners:
1. Personal service on the responsible person;
 2. Regular mail addressed to the responsible person, at the address shown on the last available assessment roll, or as otherwise known and posting in a conspicuous place on the premises or abutting the right-of-way;
 3. Insertion of a legal advertisement at least once a week for a period of two weeks in a newspaper of general circulation in the city. The newspaper advertisement shall be a general notice that property in the city has been posted and contain a general statement of the effect of such postings.
- D. Failure of any person to receive a copy of any notice issued pursuant to this chapter shall not affect the validity of any proceedings or actions taken under this chapter.

E. Nothing in this chapter shall be construed or interpreted to require the issuance of a notice to abate as a prerequisite to the issuance of an administrative citation or the filing of any civil action or criminal complaint. (Ord. 772 § 2, 2008)

6.04.090 Appeals.

A. Within ten (10) days from the date of serving the notice to abate, the person to whom notice was given may file an appeal of the nuisance finding to the city manager. Such appeal shall be in writing and shall identify the property subject to the notice to abate.

B. Failure to file a timely appeal shall constitute a waiver of all rights to an administrative appeal hearing and adjudication of the notice to abate or any portion thereof.

C. The city manager shall then appoint a hearing officer to hear the appeal, which hearing officer may not be an employee of the city.

D. Notice of the date and time of the hearing shall be given in writing. The date of the hearing shall be no sooner than five (5) days from the date when the notice of the hearing is given to the appellant and to the enforcement officer.

E. The hearing shall be conducted within twenty (20) days from the filing of the appeal or at such later date as may be agreed to by both appellant and the city.

F. At the time of the hearing, the hearing officer shall hear testimony of all competent persons desiring to testify and review all documents, photographs or other evidence respecting the condition constituting the nuisance.

G. The hearing officer has the authority to determine the relevance of any evidence and

to exclude unduly repetitious and cumulative evidence or testimony and may consider hearsay evidence.

H. If the appellant fails to attend the hearing, the hearing will proceed without the appellant and he or she will be deemed to have waived his or her rights to present evidence or testimony at the hearing.

I. At the conclusion of the hearing, the hearing officer shall determine whether or not a nuisance exists. If a determination is made supporting the finding of a nuisance, the appellant shall be served a written notice of the hearing officer's decision pursuant to 6.04.080(C), directing the abatement of the nuisance within ten (10) days or within such time as the hearing officer has determined is reasonable.

J. The decision of the hearing officer is final. (Ord. 772 § 2, 2008)

6.04.100 Abatement by city.

If the nuisance is not completely abated by the owner, as directed, within the time set forth above, the city manager may cause the same to be abated by city personnel or private contract, and entry upon the premises is expressly authorized for such persons. Consent must be obtained from a responsible person(s) prior to entering private property to perform an abatement, or an administrative inspection or abatement warrant must be obtained as required by law. (Ord. 772 § 2, 2008)

6.04.110 Emergency abatement.

Notwithstanding any other provision of this chapter, whenever the city manager determines that any real property or any building, structure or condition thereon is dangerous or constitutes an immediate threat to pub-

lic health or safety, the city manager may, without being required to observe the provisions of this chapter with reference to abatement procedures and notice, immediately and forthwith abate such public nuisance. Where such condition and the abatement is immediately required, the city manager shall prepare a statement of costs in respect thereto, and the provisions of Sections 6.04.120 and 6.04.130 shall apply. (Ord. 772 § 2, 2008)

6.04.120 Abatement costs.

A. Whenever any person creating, causing, committing or maintaining a public nuisance, as referred to in this chapter or in Section 1.01.250 of this code, or other public nuisance, as defined under state law or other ordinance or regulation, has been given notice, by or on behalf of the city attorney, enforcement officer, or by any other city officer, employee or policing agent authorized to give such notice, to abate such nuisance or cease and desist from continuing such nuisance or violation of law, and such person who was given notice fails, refuses or neglects to comply with the notice within the time specified therein, or if such a time is not specified, then within a time reasonably sufficient to enable such compliance, such noncomplying person shall be liable to the city for any and all costs and expenses to the city involved in thereafter abating the nuisance and in obtaining compliance with or enforcing the law as referred to or encompassed in the notice.

B. Costs and expenses, as referred to in subsection A of this section may include, but are not limited to, any and all direct costs and expenses related to such things as personnel salaries and benefits, operational overhead, rent, interest, fees for experts or consultants,

research fees, legal costs or expenses, including, but not limited to, procedures associated with collecting moneys due hereunder.

C. In any action, administrative proceeding, or special proceeding to abate a nuisance, the prevailing party shall be entitled to recovery of attorney's fees. The recovery of attorney's fees is limited solely to causes of action directly associated with the abatement of a public nuisance. In no action, administrative hearing, or special proceeding shall an award of attorney's fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the city in the action or proceeding. Such attorney's fees shall be recoverable as costs of abatement.

D. Upon the completion of any abatement pursuant to this chapter, the city manager shall cause a statement of the costs thereof to be prepared for submission to the city council. The city manager shall set a time and place for the city council to receive and consider the statement of costs, and shall serve upon the responsible person(s) a copy of the statement of costs and a notice of the time and place at which the city council will receive and consider the statement of costs. Service shall be in the same manner as set forth in Section 6.04.080(C).

E. The costs of abatement of a nuisance, as confirmed by resolution of the city council, shall constitute a special assessment against the property to which it relates, and after its recording, as thus made and confirmed, the same shall constitute a lien on the property in the amount of such assessment. After the confirmation of the statement, a copy thereof shall be recorded in the official records of Riverside County and shall be transmitted to the assessor and tax collector of the county of Riverside by the city clerk. Whereupon it

shall be the duty of the assessor and tax collector to add the amount of such assessment, or assessments, to the next regular bills of taxes levied against the respective lot or parcel of land, and thereafter the amount shall be collected at the same time and in the same manner as ordinary real property taxes are collected, and shall be subject to the same penalties and the same procedure for foreclosure and sale in the case of delinquency as provided for ordinary real property taxes.

F. At the time and place set for receiving and considering the statement of costs, the city council shall hear and pass upon the statement together with any objections or protests raised by any of the persons liable to be assessed for the cost of abating the nuisance. Thereupon, the city council may make any such revision, correction or modification to the statement of costs as it may deem appropriate, after which the statement as submitted, or as revised, corrected or modified, shall be confirmed by resolution. Such hearing may be continued from time to time. The decision of the city council shall be final.

G. The provisions of this section shall also apply to any responsible person who received a notice, as specified therein, and thereafter the nuisance or violation was abated, but such person subsequently allowed or was responsible for recurrence of the nuisance or violation.

H. In any action or proceeding involving a violation of any provision of this chapter, the city attorney, in his or her sole discretion and as part of settlement negotiations, may reduce, eliminate or waive any fines, fees, penalties or interest incurred pursuant to this chapter. Any determination or decision of the city attorney in this regard shall be final and

6.04.120

conclusive and shall not be subject to appeal as prescribed in Chapter 2.02 of this code.

I. Moneys due to the city pursuant to this section may be recovered in an appropriate civil action. Alternatively, such liability may be enforced by special assessment proceedings against the parcel of land upon which the nuisance existed, which proceedings may be conducted in a manner substantively similar to proceedings described in Sections 39574, et seq. of the government code of the state relating to weed abatement assessments. (Ord. 772 § 2, 2008)

6.04.130 Alternatives.

Nothing in this chapter shall be deemed to prevent the city from commencing a criminal action, civil action or other judicial or administrative proceeding to abate the alleged nuisance or to obtain any other appropriate remedy in addition to, as an alternative to, or in conjunction with the procedures authorized by this chapter. (Ord. 772 § 2, 2008)



Fire Prevention

14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

HAZARD REDUCTION ABATEMENT NOTICE

256-150-025
AVERILL, SANDRA ANN
21040 JENNINGS CT
MORENO VALLEY CA, 92557

03/25/2010

Dear Property Owner:

As owner(s) shown on the last equalized assessment roll of the parcel identified above you are hereby given notice that **all weeds, dry vegetation, rubble, junk, trash, debris, objects, discarded auto bodies, parts and other waste matter upon the premises is a public nuisance and must be abated (M.V.M.C. 6.04)**. At this time you should make a full and complete inspection of your property and abate (remove) any of the above items by:

COMPLIANCE DATE: 04/19/2010

ABATEMENTS MUST INCLUDE:

- 1. Handwork along perimeters:** Removal of weeds/debris from parkway area and edge of street pavement to property; removal of concrete, junk, trash, asphalt, tires, etc.; disking more than once where soil has not adequately mixed with grass; disking twice where tumbleweeds exist.
- 2. Removal of tree limbs (branches)** to provide a minimum of an 8' clearance from ground to branches.
- 3. Fire Officials may require** additional abatement work to maximize fire hazard reduction. You may be held liable for costs associated with any Fire Suppression Services that occur on your property which result from dry vegetation or other types of combustible material.

REGROWTH MAY BE SUBJECT TO REMOVAL WITHOUT FURTHER NOTICE:

It is your responsibility to maintain property in good condition at all times. Failure to abate such recurring conditions will result as stated above.

IMPOSED CITY COSTS, FINES AND RIGHTS:

If said items listed are not removed by the compliance date above, the City of Moreno Valley may order an abatement without further notice and the cost of said abatement shall be assessed against the property as a special lien. In addition, the City will also impose and assess an administrative fee for each parcel abated and any other recovery costs. If the violations have not been corrected, the City has the authority to issue an Administrative Citation against the property owner and/or parties maintaining the violation and/or commence administrative abatement action. Administrative citations carry a fine from \$100.00 for the first occurrence up to \$500.00 for the third occurrence of the same violation. Each day that the offense exists constitutes a separate offense.

APPEAL PROCESS:

You may appeal to the Fire Marshal of the City of Moreno Valley and show cause, if any, why the City should not abate the public nuisance. Such appeal shall be in writing and filed with the Fire Prevention Bureau within ten (10) days from the date of this Notice. The Fire Prevention Bureau is located at City Hall, 14177 Frederick Street, Moreno Valley. Our mailing address is P.O. Box 88005 Moreno Valley, CA 92552-0805. Further questions concerning this notice can be directed to the Weed Abatement Hotline at (951) 413-3381.

FW10-0002

MINIMUM LOT CLEARING REQUIREMENTS:

The following are considered minimum standards. It is always best to completely remove all vegetation and/or weeds.

PROPERTY LESS THAN FIVE (5) ACRES IN SIZE:

1. All weeds must be abated.
2. Disking is the preferred method. Disking must fully turn over the soil to bury the weeds/vegetation. Additional disking may be required if soil does not mix with weeds adequately. NOTE: WHERE REGULATED BY THE FEDERAL ENDANGERED SPECIES ACT, DISKING IS PROHIBITED.
3. Mowing or weed whacking may be acceptable, however, the use of such method(s) must have prior clearance from this office (be advised, property that is mowed may be subject to substantial re-growth and require additional abatement).

PROPERTY OVER FIVE (5) ACRES IN SIZE:

1. 100-foot minimum firebreak along the perimeter(s).
2. 200-foot minimum firebreak along any residential development.
3. 100-foot minimum "crosscut" firebreaks applied so that no remaining non-cleared portion of land is greater than 2.5 acres.
4. Additional lot clearance may be required as a result of inspection by the Fire Prevention Officer or the City Fire Marshal.

HILLSIDE RESIDENTIAL PROPERTIES:

1. Structures must have a 100-foot clearance from any flammable/combustible material or dry vegetation.
2. Minimum 100-foot clearance from heavy vegetation.
3. Minimum 30-foot clearance from any mature tree trunk.

AGRICULTURAL PROPERTY:

1. Minimum 30-foot firebreak along the perimeter from edge of road (may require handwork).
2. Minimum 100-foot firebreak from improved property.
3. Crop harvesting should be completed by July 1.

STATE GOVERNED AGENCIES:

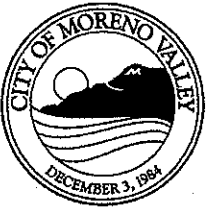
This notice does not authorize violation of the Federal Endangered Species Act or violation of other state or Federal laws or regulations. For information on dust control, contact South Coast Air Quality Management District at (909) 396-2000. For information on the alteration of a stream channel, wetland or irrigation which may require a state or federal permit contact the City's Planning Division at (951) 413-3206.

APPEAL PROCESS:

You may appeal to the Fire Marshal of the City of Moreno Valley and show cause, if any, why the City should not abate the public nuisance. Such appeal shall be in writing and filed with the Fire Prevention Bureau within ten (10) days from the date of this Notice. The Fire Prevention Bureau is located at City Hall, 14177 Frederick Street, Moreno Valley. Our mailing address is P.O. Box 88005 Moreno Valley, CA 92552-0805. Further questions concerning this notice can be directed to the Weed Abatement Hotline at (951) 413-3381. A list of abatement contractors who work in the local area is enclosed for your information.

Thank you in advance for your cooperation.

Randall L. Metz
Fire Marshal



HAZARD REDUCTION NOTICE OF VIOLATION

256-150-025
AVERILL, SANDRA ANN
21040 JENNINGS CT
MORENO VALLEY CA, 92557

DATE: 05/03/2010

APN: 256-150-025

Your property was inspected on 04/27/2010 to confirm compliance with the City's Hazard Reduction Program, the Moreno Valley Municipal Code 6.04, and the California Fire Code 304.1.2. **Abatement work will be required by you or your contractor. It was determined that the following conditions exist on your property and must be corrected within ten (10) days of the above date.**

Abatement work to be performed:

- Weeds have not been properly abated according to the lot size requirements
- Handwork/cleanup required along perimeter of property.

INSPECTED BY: FRANK MARTINEZ

If you have not brought the property into compliance within ten (10) days, the City will have the abatement performed. Abatement costs, plus administrative and re-inspection fees will be assessed against the property. In addition, an Administrative Citation may be issued.

APPEAL PROCESS:

You may appeal to the Fire Marshal of the City of Moreno Valley and show cause, if any, why the City should not abate the public nuisance. Such appeal shall be in writing and filed with the Fire Prevention Bureau within ten (10) days from the date of this Notice. The Fire Prevention Bureau is located at City Hall, 14177 Frederick Street, Moreno Valley. Our mailing address is P.O. Box 88005 Moreno Valley, CA 92552-0805. Further questions concerning this notice can be directed to the Weed Abatement Hotline at (951) 413-3381.

FW10-0002



Fire Prevention

14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

HAZARD REDUCTION FINAL NOTICE OF VIOLATION

256-150-025
AVERILL, SANDRA ANN
21040 JENNINGS CT
MORENO VALLEY CA, 92557

DATE: 06/03/2010

APN: 256-150-025

Your property was inspected on 05/26/2010 to confirm compliance with the City's Hazard Reduction Program, the Moreno Valley Municipal Code 6.04, and the California Fire Code 304.1.2. **Abatement work will be required by you or your contractor. It was determined that the following conditions exist on your property and must be corrected within seven (7) days of the above date.**

Abatement work to be performed:

- Weeds have not been properly abated according to the lot size requirements
- Handwork/cleanup required along perimeter of property.

INSPECTED BY: FRANK MARTINEZ

If you have not brought the property into compliance within seven (7) days, the City will have the abatement performed. Abatement costs, plus administrative and re-inspection fees will be assessed against the property. In addition, an Administrative Citation may be issued.

APPEAL PROCESS:

You may appeal to the Fire Marshal of the City of Moreno Valley and show cause, if any, why the City should not abate the public nuisance. Such appeal shall be in writing and filed with the Fire Prevention Bureau within seven (7) days from the date of this Notice. The Fire Prevention Bureau is located at City Hall, 14177 Frederick Street, Moreno Valley. Our mailing address is P.O. Box 88005 Moreno Valley, CA 92552-0805. Further questions concerning this notice can be directed to the Weed Abatement Hotline at (951) 413-3381.

FW10-0002

RESOLUTION NO. 2011-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CONFIRMING STATEMENTS OF COSTS AGAINST REAL PROPERTY LOCATED IN THE CITY OF MORENO VALLEY, FOR ABATEMENTS OF PUBLIC NUISANCES AND DIRECTION THAT SAID STATEMENTS OF COSTS CONSTITUTE A LIEN UPON SAID PROPERTIES.

WHEREAS, pursuant to the provisions of the City of Moreno Valley Municipal Code Chapter 6.04, the City of Moreno Valley, State of California, in order to protect and preserve the public health, safety and general welfare, has conducted and completed the abatement of certain public nuisances on real properties located within the City of Moreno Valley, State of California; and

WHEREAS, in accordance with the provisions of the City of Moreno Valley Municipal Code, the City of Moreno Valley has submitted Statements of Costs; and

WHEREAS, having received and considered said Statements of Costs and having notified the affected property owners and given them an opportunity to be heard;

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

1. That the Statements of Costs, Notice of City Council Meeting and Notices of Special Assessments, copies of which are on file with the Fire Prevention Bureau, and incorporated herein by this reference, are confirmed.

2. That the Property Assessment List, attached hereto as Exhibit 1 and incorporated herein by this reference, is also confirmed.

1 Resolution No. 2011-30
Date Adopted: April 12, 2011

3. That the Notices of Special Assessments shall be recorded with the Riverside County Recorder's Office and copies transmitted to the Assessor and Tax Collector of the County of Riverside and after recordation shall constitute special assessments against the property to which they relate, and shall constitute liens on the property in the amount of the assessment to be added to the tax bill next levied against the property.

APPROVED AND ADOPTED this 12th day of April 2011.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

2 Resolution No. 2011-30
Date Adopted: April 12, 2011

ATTACHMENT C



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10 **End Date: 4/5/11** **City Council Date**
April 12, 2011

Parcel	Owner	Owner Address	Summary of Work	Abate Date	Contractor Cost	Reinspection Fees	Admin Cost	Special Dist Fee	Total Cost	
1	263111023	CHAUHAN, SANJAY	P O BOX 4527 DIAMOND BAY CA, 91765	Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. tires	7/7/2010	461.00	151.00	240.00	13.00	865.00
2	263132013	CHAUHAN, SANJAY	P O BOX 4527 DIAMOND BAY CA, 91765	Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground.	7/7/2010	522.25	151.00	240.00	13.00	926.25
3	263132014	CHAUHAN, SANJAY	P O BOX 4527 DIAMOND BAY CA, 91765	Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground.	7/7/2010	791.50	151.00	240.00	13.00	1,195.50
4	263132015	CHAUHAN, SANJAY	P O BOX 4527 DIAMOND BAY CA, 91765	Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground.	7/7/2010	269.25	151.00	240.00	13.00	673.25
5	263132028	AMUNDSON, DAVID	68125 VERANO RD CATHEDRAL CY CA, 92234	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground.	7/7/2010	455.00	151.00	240.00	13.00	859.00
6	263132030	WANG, JIA SHU	5772 GARDEN GROVE BLV 539 WESTMINSTER CA, 92683	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground.	7/7/2010	838.75	151.00	240.00	13.00	1,242.75
7	263132033	WANG, JIA SHU	5772 GARDEN GROVE BLV 539 WESTMINSTER CA, 92683	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground.	7/7/2010	913.75	151.00	240.00	13.00	1,317.75
8	263140048	REGENCY MODULAR STRUCTURES INC	1518 N BROADWAY SANTA ANA CA, 92706	Tree branches have not been cleared 8 feet from ground. remove clippings/fuel	7/7/2010	188.00	151.00	240.00	13.00	592.00

-75-

Item No. A.6



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10

End Date: 4/5/11

**City Council Date
April 12, 2011**

9	263150013	DORITA TRADING CO	15527 AQUA VERDE DR LOS ANGELES CA, 90077	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. unapproved mowing	7/7/2010	96.00	151.00	240.00	13.00	500.00
10	263160002	SLCW INV	29217 LAKEVIEW LN HIGHLAND CA, 92346	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground. tires	7/7/2010	1,120.75	151.00	240.00	13.00	1,524.75
11	263160008	SLCW INV	29217 LAKEVIEW LN HIGHLAND CA, 92346	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground. falling dead tree	7/7/2010	3,114.25	151.00	240.00	13.00	3,518.25
12	263160028	SLCW INV	29217 LAKEVIEW LN HIGHLAND CA, 92346	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground.	7/7/2010	897.75	151.00	240.00	13.00	1,301.75
13	263170003	HUANG, KETTY	17529 CLOVERDALE WAY YORBA LINDA CA, 92886	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground.	7/7/2010	966.75	151.00	240.00	13.00	1,370.75
14	263180058	CHAPARRAL DEV CO	29970 TECHNOLOGY DR NO 211 MURRIETA CA, 92563	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. shopping carts	7/7/2010	463.00	151.00	240.00	13.00	867.00



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10

End Date: 4/5/11

**City Council Date
April 12, 2011**

Item No.	Parcel No.	Owner Name	Address	Description	Date	Area 1	Area 2	Area 3	Area 4	Total
15	263190031	URENA, SOCRATES L	20620 AVENIDA HACIENDA RIVERSIDE CA, 92508	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground. abatement incomplete	8/12/2010	144.46	151.00	240.00	13.00	548.46
16	263210031	CARNETT, CHRISTINE	P O BOX 1398 ST JOHNS AZ, 85936	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/12/2010	976.35	151.00	240.00	13.00	1,380.35
17	256150025	AVERILL, SANDRA ANN	21040 JENNINGS CT MORENO VALLEY CA, 92557	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	7/7/2010	241.00	151.00	240.00	13.00	645.00
18	256150026	MENDOZA, DANIEL	3223 N RIVER DR EDEN UT, 84310	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	7/7/2010	241.00	151.00	240.00	13.00	645.00
19	256150031	RODRIGUEZ, PEDRO	19745 COLIMA RD STE 114 ROWLAND HEIGHTS CA, 91748	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground.	7/7/2010	339.00	151.00	240.00	13.00	743.00
20	256150035	JENNINGS, MICHAEL PHILIP	21100 JENNINGS CT MORENO VALLEY CA, 92557	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	10/18/2010	241.00	151.00	240.00	13.00	645.00
21	259240048	BANKFIRST	8720 RED OAK BLV STE 300 CHARLOTTE NC, 28217	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). 100' clearnc frm struct	10/18/2010	1,694.00	151.00	240.00	13.00	2,098.00

-77-

Item No. A.6



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10

End Date: 4/5/11

**City Council Date
April 12, 2011**

22	259240062	BANKFIRST	8720 RED OAK BLV STE 300 CHARLOTTE NC, 28217	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s).	10/18/2010	786.00	151.00	240.00	13.00	1,190.00
23	312020025	MAPLE LANE GROUP	2005 W WINSTON CT UPLAND CA, 91784	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Junk, trash, debris, and/or rubble has not been removed. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/10/2010	516.77	151.00	240.00	13.00	920.77
24	312270030	PETERSON, CHRISTINE PARK	10411 CAMARILLO ST TOLUCA LAKE CA, 91602	Weeds have not been properly abated according to the lot size requirements. Junk, trash, debris, and/or rubble has not been removed. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises. Discing insufficient <5	8/12/2010	221.00	151.00	240.00	13.00	625.00
25	312270031	ACOSTA, GEORGE R	14035 TUSCANY CT RIVERSIDE CA, 92508	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed.	8/12/2010	525.00	151.00	240.00	13.00	929.00
26	312300034	GTE	P O BOX 152206 IRVING TX, 75015	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	8/12/2010	250.00	151.00	240.00	13.00	654.00
27	312351048	KB HOME COASTAL INC	36310 INLAND VALLEY DR WILDOMAR CA, 92595	Junk, trash, debris, and/or rubble has not been removed.	8/12/2010	236.67	151.00	240.00	13.00	640.67
28	316190011	INDIAN AVENUE II	100 BAYVIEW CIR NO 310 NEWPORT BEACH CA, 92660	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/12/2010	994.66	151.00	240.00	13.00	1,398.66



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10

End Date: 4/5/11

**City Council Date
April 12, 2011**

29	316190022	INDIAN AVENUE II	100 BAYVIEW CIR NO 310 NEWPORT BEACH CA, 92660	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/12/2010	428.00	151.00	240.00	13.00	832.00
30	316190023	INDIAN AVENUE II	100 BAYVIEW CIR NO 310 NEWPORT BEACH CA, 92660	Weeds have not been properly abated according to the lot size requirements. Junk, trash, debris, and/or rubble has not been removed. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/12/2010	428.00	151.00	240.00	13.00	832.00
31	316190045	INDIAN AVENUE II	100 BAYVIEW CIR NO 310 NEWPORT BEACH CA, 92660	Weeds have not been properly abated according to the lot size requirements. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/12/2010	724.50	151.00	240.00	13.00	1,128.50
32	316210003	GARCIA, LINDA	P O BOX 5108 RIVERSIDE CA, 92517	Weeds have not been properly abated according to the lot size requirements. Insufficient firebreak(s). Junk, trash, debris, and/or rubble has not been removed. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/18/2010	652.00	151.00	240.00	13.00	1,056.00
33	316210004	LANGE, DIETER G	15591 WOOD RD RIVERSIDE CA, 92508	Weeds have not been properly abated according to the lot size requirements. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground. disc insufficient	8/12/2010	583.63	151.00	240.00	13.00	987.63
34	316210015	B B R & M INVESTMENT CO INC	720 VIA ZAPATA RIVERSIDE CA, 92507	Weeds have not been properly abated according to the lot size requirements. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises. disc insufficient <5 ac	8/12/2010	219.00	151.00	240.00	13.00	623.00

-79-

Item No. A.6



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10

End Date: 4/5/11

**City Council Date
April 12, 2011**

35	316210016	BECK, R ALBERT	720 VIA ZAPATA RIVERSIDE CA, 92507	Weeds have not been properly abated according to the lot size requirements. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises. disc insufficient <5 ac	8/12/2010	218.00	151.00	240.00	13.00	622.00
36	316210017	BECK, BRUCE A	2616 SHAMBLIN CT RIVERSIDE CA, 92504	Weeds have not been properly abated according to the lot size requirements. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises. disc insufficient <5 ac	8/12/2010	218.00	151.00	240.00	13.00	622.00
37	316210025	USA 316	UNKNOWN 02-23-95 , 0	Weeds have not been properly abated according to the lot size requirements. Insufficient firebreak(s). Junk, trash, debris, and/or rubble has not been removed. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises. no attempt to abat	8/12/2010	806.00	151.00	240.00	13.00	1,210.00
38	316210064	IPARAGURRIE, JENNIE	775 N SANDERSON AVE SAN JACINTO CA, 92582	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Junk, trash, debris, and/or rubble has not been removed. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/18/2010	834.00	151.00	240.00	13.00	1,238.00
39	422070021	LEE, HENRIETTA C	4299 MACARTHUR NO 211 NEWPORT BEACH CA, 92660	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. along roadway	7/29/2010	294.00	151.00	240.00	13.00	698.00
40	422070031	URENA, SOCRATES	22184 ALESSANDRO BLVD MORENO VALLEY CA, 92553	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	8/21/2010	648.00	151.00	240.00	13.00	1,052.00



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10

End Date: 4/5/11

**City Council Date
April 12, 2011**

41	422110001	LEE, HENRIETTA C	4299 MACARTHUR NO 211 NEWPORT BEACH CA, 92660	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). along roadway	10/12/2010	294.00	151.00	240.00	13.00	698.00
42	471201008	REDHILL VILLAGE	P O BOX 1310 UPLAND CA, 91785	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Junk, trash, debris, and/or rubble has not been removed. remove: tires, asphalt	9/15/2010	986.00	151.00	0.00	13.00	1,150.00
43	471201011	REDHILL VILLAGE	P O BOX 1310 UPLAND CA, 91785	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Junk, trash, debris, and/or rubble has not been removed.	8/18/2010	1,094.00	151.00	240.00	13.00	1,498.00
44	291130016	SUWIGHT FAMILY LTD PARTNERSHIP	4020 TYLER ST NO 525 RIVERSIDE CA, 92503	Weeds have not been properly abated according to the lot size requirements. Junk, trash, debris, and/or rubble has not been removed. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises. abatement incomplete	8/18/2010	347.34	151.00	240.00	13.00	751.34
45	291140011	AGRAS, CONRADO	13571 ELLSWORTH ST MORENO VALLEY CA, 92553	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	8/12/2010	94.00	151.00	240.00	13.00	498.00
46	291140017	YOUNIS, TAREQ	1411 S WALNUT ST NO 49 ANAHEIM CA, 92802	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. abatement incomplete	8/12/2010	112.50	151.00	240.00	13.00	516.50
47	291200001	MILNER, STEPHEN G	417 WILBAR CIR REDLANDS CA, 92374	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	8/12/2010	114.50	151.00	240.00	13.00	518.50

-81-

Item No. A.6



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10
End Date: 4/5/11
**City Council Date
April 12, 2011**

48	292032011	WOODHAVEN DEV INC	6865 AIRPORT DR RIVERSIDE CA, 92504	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground.	10/18/2010	584.00	151.00	240.00	13.00	988.00
49	292100012	MORENO FIRST INV	3701 ROYAL MEADOW RD SHERMAN OAKS CA, 91403	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	7/7/2010	636.00	151.00	240.00	13.00	1,040.00
50	292241011	KUNZ & CO	10400 OVERLAND RD NO 391 BOISE ID, 83709	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. remove dead palm trees	10/12/2010	62.00	151.00	240.00	13.00	466.00
51	297100006	NOA ASSOCIATES	8121 VAN NUYS BLV STE 300 PANORAMA CITY CA, 91402	Weeds have not been properly abated according to the lot size requirements. Insufficient firebreak(s). Junk, trash, debris, and/or rubble has not been removed.	8/12/2010	541.13	151.00	240.00	13.00	945.13
52	297130043	TAKUMA	333 W PASEO DE CRISTOBAL SAN CLEMENTE CA, 92672	Weeds have not been properly abated according to the lot size requirements. Junk, trash, debris, and/or rubble has not been removed. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises. no abatement attempt	8/12/2010	512.36	151.00	240.00	13.00	916.36
53	297150031	R&H HOTEL DEV	16278 MENAHKA RD APPLE VALLEY CA, 92307	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. no abatement attempt	8/12/2010	544.00	151.00	240.00	13.00	948.00
54	297220001	MORENO VALLEY GATEWAY	30448 RANCHO VIEJO RD 110 SAN JUAN CAPISTRANO CA, 92765	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/18/2010	356.50	151.00	240.00	13.00	760.50



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10

End Date: 4/5/11

**City Council Date
April 12, 2011**

55	297220010	MORENO VALLEY GATEWAY	30448 RANCHO VIEJO RD 110 SAN JUAN CAPISTRANO CA, 92765	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises. abatement incomplt	8/12/2010	356.50	151.00	240.00	13.00	760.50
56	304260007	GRANITE CAPITOL	23205 SUNNYMEAD BLV 200 MORENO VALLEY CA, 92553	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). handwork slopes	7/20/2010	425.00	151.00	240.00	13.00	829.00
57	308453013	K HOVNANIAN FORECAST HOMES INC	800 S HAVEN STE 300 ONTARIO CA, 91764	Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/18/2010	91.00	151.00	240.00	13.00	495.00
58	308470049	K HOVNANIAN FORECAST HOMES INC	800 S HAVEN STE 300 ONTARIO CA, 91764	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	8/18/2010	176.00	151.00	240.00	13.00	580.00
59	263210034	VALDOVINOS, LUPITA I	17784 CALLE CAPISTRANO MORENO VALLEY CA, 92551	Weeds have not been properly abated according to the lot size requirements. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground. Mowed not cleared	8/12/2010	159.96	151.00	240.00	13.00	563.96
60	263210047	CARNETT, CHRISTINE	P O BOX 1398 ST JOHNS AZ, 85936	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground.	8/12/2010	113.50	151.00	240.00	13.00	517.50
61	264040014	ALDEN, SANDRA S	8001 IRVINE CENTER NO 980 IRVINE CA, 92618	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	7/7/2010	216.00	151.00	240.00	13.00	620.00

-83-

Item No. A.6



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10
End Date: 4/5/11
**City Council Date
April 12, 2011**

62	264040015	ALDEN, SANDRA S	8001 IRVINE CENTER NO 980 IRVINE CA, 92618	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	7/7/2010	215.00	151.00	240.00	13.00	619.00
63	264040016	ALDEN, SANDRA S	8001 IRVINE CENTER NO 980 IRVINE CA, 92618	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	7/7/2010	215.00	151.00	240.00	13.00	619.00
64	264175008	CAPARAS, EFREN S	14420 WINDMILL LN MORENO VALLEY CA, 92555	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	10/6/2010	149.00	151.00	240.00	13.00	553.00
65	471300023	MARKHAM, DON G	24821 COUNTRY RD MORENO VALLEY CA, 92557	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Junk, trash, debris, and/or rubble has not been removed.	8/19/2010	980.00	151.00	240.00	13.00	1,384.00
66	473150011	MENIFEE PASSIVE PARTNER	4590 MACARTHUR BLV NO 500 NEWPORT BEACH CA, 92660	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground.	7/13/2010	982.00	151.00	240.00	13.00	1,386.00
67	473150012	MENIFEE PASSIVE PARTNER	4590 MACARTHUR BLV NO 500 NEWPORT BEACH CA, 92660	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed.	7/13/2010	536.00	151.00	240.00	13.00	940.00
68	473150013	MENIFEE PASSIVE PARTNER	4590 MACARTHUR BLV NO 500 NEWPORT BEACH CA, 92660	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	7/13/2010	540.00	151.00	240.00	13.00	944.00
69	473150014	MENIFEE PASSIVE PARTNER	4590 MACARTHUR BLV NO 500 NEWPORT BEACH CA, 92660	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Tree branches have not been cleared 8 feet from ground.	11/3/2010	891.00	151.00	240.00	13.00	1,295.00



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10

End Date: 4/5/11

**City Council Date
April 12, 2011**

Item No.	Parcel No.	Owner	Address	Description	Date	Area	Cost	Other	Total
70	473150015	MENIFEE PASSIVE PARTNER	4590 MACARTHUR BLV NO 500 NEWPORT BEACH CA, 92660	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s).	7/26/2010	808.00	151.00	240.00	13.00 1,212.00
71	473150016	MENIFEE PASSIVE PARTNER	4590 MACARTHUR BLV NO 500 NEWPORT BEACH CA, 92660	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	7/13/2010	938.00	151.00	240.00	13.00 1,342.00
72	473150017	MENIFEE PASSIVE PARTNER	4590 MACARTHUR BLV NO 500 NEWPORT BEACH CA, 92660	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Tree branches have not been cleared 8 feet from ground.	9/7/2010	980.00	151.00	240.00	13.00 1,384.00
73	473150025	MENIFEE PASSIVE PARTNER	4590 MACARTHUR BLV NO 500 NEWPORT BEACH CA, 92660	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	8/19/2010	716.00	151.00	240.00	13.00 1,120.00
74	473171038	MCKINLEY, FOREST J	25880 MIDDLEBURY WAY SUN CITY CA, 92586	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	8/19/2010	750.00	151.00	240.00	13.00 1,154.00
75	473174005	SAN BERNARDINO SB FIVE	20110 GALWAY AVE CARSON CA, 90746	Handwork/cleanup required along perimeter of property. both sides of channel	7/13/2010	758.00	151.00	240.00	13.00 1,162.00
76	473210005	BUSTOS, GUSTAVO CRUZ	185 BAY CIR SAN JACINTO CA, 92582	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground. dead tree limbs	7/22/2010	971.00	151.00	240.00	13.00 1,375.00
77	474250032	ARZATE JAIMES, LILIANA	26671 QUARTZ RD MORENO VALLEY CA, 92555	Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground.	10/19/2010	468.00	151.00	240.00	13.00 872.00
78	474250033	ARZATE, ADOLFO	26671 QUARTZ RD MORENO VALLEY CA, 92555	Handwork/cleanup required along perimeter of property. handwrk along fenceline	8/21/2010	178.00	151.00	240.00	13.00 582.00

-85-

Item No. A.6



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10
End Date: 4/5/11
**City Council Date
April 12, 2011**

79	474272030	PLAXCO, IDA	11275 DAVIS ST MORENO VALLEY CA, 92557	Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground.	9/1/2010	999.75	151.00	240.00	13.00	1,403.75
80	474590036	ZUPPARDO, MARYLOUISE	11175 INDIAN ST MORENO VALLEY CA, 92557	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground.	8/30/2010	898.50	151.00	240.00	13.00	1,302.50
81	474590037	ZUPPARDO, MARYLOUISE	11175 INDIAN ST MORENO VALLEY CA, 92557	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground.	8/30/2010	493.00	151.00	240.00	13.00	897.00
82	474590039	CANFIELD, SUPARNIE	11545 MATHEWS RD MORENO VALLEY CA, 92557	Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground.	11/3/2010	621.50	151.00	240.00	13.00	1,025.50
83	475050040	AMERICA CHANG JIANG INTERNATIONAL INV INC	2683 POCATELLO AVE ROWLAND HGHTS CA, 91748	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed.	8/19/2010	933.00	151.00	240.00	13.00	1,337.00
84	475160056	CAMPUS REALTY	28391 AVD LA MANCHA SAN JUAN CAPO CA, 92675	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. unapproved mowing	8/19/2010	212.00	151.00	240.00	13.00	616.00
85	475160065	CAMPUS REALTY	28391 AVD LA MANCHA SAN JUAN CAPO CA, 92675	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground.	8/19/2010	634.00	151.00	240.00	13.00	1,038.00
86	475250075	BOSQUES, CORNELIO	24346 GROVEN LN MORENO VALLEY CA, 92555	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	10/19/2010	364.00	151.00	240.00	13.00	768.00



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10

End Date: 4/5/11

**City Council Date
April 12, 2011**

87	475280087	ABRAHAM, LANCE	24480 IRONWOOD AVE MORENO VALLEY CA., 92557	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	8/17/2010	305.00	151.00	240.00	13.00	709.00
88	478090031	ELBASRI, JILALI	P O BOX 999 LA HABRA CA, 90633	Weeds have not been properly abated according to the lot size requirements. Junk, trash, debris, and/or rubble has not been removed. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/18/2010	637.67	151.00	240.00	13.00	1,041.67
89	478110002	MULTI VAC INC	P O BOX 4528 LAGUNA BEACH CA, 92652	Weeds have not been properly abated according to the lot size requirements. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/12/2010	496.00	151.00	240.00	13.00	900.00
90	478110007	MULTI VAC INC	P O BOX 4528 LAGUNA BEACH CA, 92652	Weeds have not been properly abated according to the lot size requirements. < 5 acres	8/12/2010	496.00	151.00	240.00	13.00	900.00
91	308470050	K HOVNIANIAN FORECAST HOMES INC	800 S HAVEN STE 300 ONTARIO CA, 91764	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	8/18/2010	219.50	151.00	240.00	13.00	623.50
92	308470051	K HOVNIANIAN FORECAST HOMES INC	800 S HAVEN STE 300 ONTARIO CA, 91764	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	8/18/2010	132.50	151.00	240.00	13.00	536.50
93	486240007	KLAEB, JOHN T	437 AVENIDA ARLENA SAN CLEMENTE CA, 92672	Weeds have not been properly abated according to the lot size requirements. Insufficient firebreak(s). Tree branches have not been cleared 8 feet from ground. discing insufficient	8/10/2010	188.00	151.00	240.00	13.00	592.00
94	487060006	TEN FOUR CORP	4982 SHIRLEY ST LAS VEGAS NV, 89119	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. dry palm leaves	8/14/2010	497.00	151.00	240.00	13.00	901.00
95	487230008	VALLEY OAK LP	1000 DOVE ST STE 100 NEWPORT BEACH CA, 92660	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	8/30/2010	335.00	151.00	240.00	13.00	739.00

EXHIBIT 1



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10

End Date: 4/5/11

**City Council Date
April 12, 2011**

Item No.	Parcel No.	Owner	Address	Description	Abatement Date	Abatement Cost	Perimeter Cost	Firebreak Cost	Other Cost	Total Cost
96	487230009	VALLEY OAK LP	1000 DOVE ST STE 100 NEWPORT BEACH CA, 92660	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	8/30/2010	335.00	151.00	240.00	13.00	739.00
97	487250006	MONSON DOROTHY C ESTATE OF	3777 LYNWOOD DR HIGHLAND CA, 92346	Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed.	8/30/2010	973.00	151.00	240.00	13.00	1,377.00
98	487470001	BALDWIN INV & DEV INC	18851 MESA DR VILLA PARK CA, 92861	Weeds have not been properly abated according to the lot size requirements. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/12/2010	437.00	151.00	240.00	13.00	841.00
99	488080003	LCTH INV	1000 DOVE ST NO 100 NEWPORT BEACH CA, 92660	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). areas not in agrclt use	8/10/2010	986.00	151.00	240.00	13.00	1,390.00
100	488080016	CHEN, THOMAS J	32707 SEA ISLAND DR DANA POINT CA, 92629	Handwork/cleanup required along perimeter of property. along fwy fenceline	8/11/2010	442.00	151.00	240.00	13.00	846.00
101	488080017	EQUITABLE MORENO VALLEY II PARTNERSHIP	1720 E GARRY AVE NO 110 SANTA ANA CA, 92705	Handwork/cleanup required along perimeter of property. non-agr areas/fw fence	8/9/2010	972.00	151.00	240.00	13.00	1,376.00
102	488200025	MOOTHART, DANIEL R	P O BOX 4528 LAGUNA BEACH CA, 92652	Weeds have not been properly abated according to the lot size requirements. Insufficient firebreak(s). Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/18/2010	910.00	151.00	240.00	13.00	1,314.00
103	488220001	MOOTHART, DANIEL R	P O BOX 4528 LAGUNA BEACH CA, 92652	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/18/2010	928.50	151.00	240.00	13.00	1,332.50



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10

End Date: 4/5/11

**City Council Date
April 12, 2011**

Item No.	Parcel No.	Owner	Address	Description	Date	Cost	Fee	Penalty	Interest	Total
104	488220005	LIN, KEVIN C H	519 N BEDFORD DR BEVERLY HILLS CA, 90210	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/18/2010	806.00	151.00	240.00	13.00	1,210.00
105	488220014	MORENO VALLEY INV ASSOC	13360 MAXELLA AVE NO 10 MARINA DEL REY CA, 90292	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/18/2010	791.00	151.00	240.00	13.00	1,195.00
106	488260008	BUILDING EXCHANGE CO	915 WILSHIRE BLV STE 2100 LOS ANGELES CA, 90017	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). 100' firebreak northsid	8/21/2010	348.00	151.00	240.00	13.00	752.00
107	488310003	J & K EQUITIES INC	8754 VINMAR AVE RANCHO CUCAMONGA CA, 91730	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. 100' frm imprvd proptry	8/14/2010	410.00	151.00	240.00	13.00	814.00
108	488320007	RODELA, LEONARD	12328 REDLANDS BLV MORENO VALLEY CA, 92555	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground.	10/18/2010	439.00	151.00	240.00	13.00	843.00
109	488320008	AVOIAN PROP	4824 GARNET TORRANCE CA, 90503	Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. along freeway perimeter	10/18/2010	294.00	151.00	240.00	13.00	698.00
110	488330004	RIDGE RANCHO BELAGO	201 COVINA AVE NO 8 LONG BEACH CA, 90803	Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. along freeway perimeter	10/18/2010	294.00	151.00	240.00	13.00	698.00
111	488330005	RIDGE RANCHO BELAGO	201 COVINA AVE NO 8 LONG BEACH CA, 90803	Junk, trash, debris, and/or rubble has not been removed. garbage on westside	10/18/2010	381.00	151.00	240.00	13.00	785.00

-89-

Item No. A.6



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10 **End Date: 4/5/11** **City Council Date**
April 12, 2011

Item No.	APN	Property Name	Address	Description	Date	Cost	Fee	Penalty	Other	Total
112	488340001	CHAROONRATANA, SUTHEP	5093 EARL CT RANCHO CUCAMONGA CA, 91701	Handwork/cleanup required along perimeter of property. Junk, trash, debris, and/or rubble has not been removed. westside by channel	10/18/2010	352.00	151.00	240.00	13.00	756.00
113	488340009	EQUITABLE MORENO VALLEY II PARTNERSHIP	1720 E GARRY AVE NO 110 SANTA ANA CA, 92705	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. 100' break on eastside	10/18/2010	294.00	151.00	240.00	13.00	698.00
114	478120001	MULTI VAC INC	P O BOX 4528 LAGUNA BEACH CA, 92652	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises. < 5 acres	8/12/2010	356.50	151.00	240.00	13.00	760.50
115	478120002	MULTI VAC INC	P O BOX 4528 LAGUNA BEACH CA, 92652	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises. < 5 acres	8/12/2010	510.50	151.00	240.00	13.00	914.50
116	478120005	MULTI VAC INC	P O BOX 4528 LAGUNA BEACH CA, 92652	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises. < 5 acres	8/12/2010	387.50	151.00	240.00	13.00	791.50
117	478120006	MULTI VAC INC	P O BOX 4528 LAGUNA BEACH CA, 92652	Weeds have not been properly abated according to the lot size requirements. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises. < 5 acres	8/12/2010	527.00	151.00	240.00	13.00	931.00



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10

End Date: 4/5/11

**City Council Date
April 12, 2011**

Item No.	APN	Owner	Address	Description	Date	Area	Cost	Fee	Penalty	Total
118	478171010	RAHMON, HENRI J	333 W ORANGE HEIGHTS LN CORONA CA, 92882	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/12/2010	988.50	151.00	240.00	13.00	1,392.50
119	478202053	ROBERTSON, RICHARD M	P O BOX 677 SUN CITY CA, 92586	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/12/2010	202.50	151.00	240.00	13.00	606.50
120	478240012	SEWA CONSULTING INC	6603 BEACHVIEW DR RCH PALOS VERDES CA, 90275	Weeds have not been properly abated according to the lot size requirements. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/12/2010	808.00	151.00	240.00	13.00	1,212.00
121	478240013	THE 26TH CORP	23205 SUNNYMEAD BLVD 200 MORENO VALLEY CA, 92553	Weeds have not been properly abated according to the lot size requirements. Insufficient firebreak(s). Junk, trash, debris, and/or rubble has not been removed. discing insufficient	8/12/2010	654.00	151.00	240.00	13.00	1,058.00
122	478240014	THE 26TH CORP	23205 SUNNYMEAD BLVD 200 MORENO VALLEY CA, 92553	Weeds have not been properly abated according to the lot size requirements. Insufficient firebreak(s). Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/12/2010	528.00	151.00	240.00	13.00	932.00
123	478240015	THE 26TH CORP	23205 SUNNYMEAD BLVD 200 MORENO VALLEY CA, 92553	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Insufficient firebreak(s). Junk, trash, debris, and/or rubble has not been removed. 30' from rd. req.	8/12/2010	525.00	151.00	240.00	13.00	929.00

-91-

Item No. A.6



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10

End Date: 4/5/11

**City Council Date
April 12, 2011**

Item No.	Parcel No.	Owner Name	Address	Description	Date	Area 1	Area 2	Area 3	Area 4	Total
124	478272003	BALDIVIEZ, MARK R	1450 UNIVERSITY NO F203 RIVERSIDE CA, 92507	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/11/2010	201.50	151.00	240.00	13.00	605.50
125	479050004	PALM INV GROUP	P O BOX 24066 LOS ANGELES CA, 90024	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. dead tree/unapprvd mowg	11/3/2010	158.00	151.00	240.00	13.00	562.00
126	479140022	COTTONWOOD 939	19 CORPORATE PLAZA DR NEWPORT BEACH CA, 92660	Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground.	10/12/2010	455.00	151.00	240.00	13.00	859.00
127	479230027	HU, GUANG	1521 E EAGLE RIDGE GLENDDORA CA, 91740	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/12/2010	125.00	151.00	240.00	13.00	529.00
128	481200013	NEJAD, M J R	310 N COTA NO J CORONA CA, 92880	Handwork/cleanup required along perimeter of property.	8/19/2010	178.00	151.00	240.00	13.00	582.00
129	481210025	TUEROS, CARLOS	19468 DE MARCO RD RIVERSIDE CA, 92508	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground.	10/18/2010	305.00	151.00	240.00	13.00	709.00
130	481270033	ONEWEST BANK	2900 ESPERANZA XING FL 3 AUSTIN TX, 78758	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	10/19/2010	270.00	151.00	240.00	13.00	674.00
131	481270060	NEJAD, M J RAHMANI	310 N COTA ST NO J CORONA CA, 92880	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground. insufficient disking	10/19/2010	552.50	151.00	240.00	13.00	956.50



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10

End Date: 4/5/11

**City Council Date
April 12, 2011**

Item No.	Parcel No.	Owner	Address	Description	Date	Cost	Fee	Penalty	Interest	Total
132	481281059	EQUITY TRUST CO	23205 SUNNYMEAD BLVD 200 MORENO VALLEY CA, 92553	Weeds have not been properly abated according to the lot size requirements. Junk, trash, debris, and/or rubble has not been removed. unapproved mowing	10/19/2010	692.00	151.00	240.00	13.00	1,096.00
133	481322042	BANKS, MICHAEL H	69525 DILLON RD NO 10 DSRT HOT SPG CA, 92240	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property.	8/26/2010	390.00	151.00	240.00	13.00	794.00
134	481322045	24 CORP	5524 RICH HILL WAY YORBA LINDA CA, 92886	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	7/14/2010	576.00	151.00	240.00	13.00	980.00
135	482080039	PACIFIC PLUS INV	2116 PARNELL AVE LOS ANGELES CA, 90025	Weeds have not been properly abated according to the lot size requirements. Junk, trash, debris, and/or rubble has not been removed. insufficient disking	8/19/2010	270.00	151.00	240.00	13.00	674.00
136	482080060	BIERNAT, ANDY	24486 DRACAEA AVE MORENO VALLEY CA, 92553	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground.	7/26/2010	363.00	151.00	240.00	13.00	767.00
137	482230013	LIANG, HUO YOU	16015 PHOENIX RD CITY OF INDUSTRY CA, 91745	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Tree branches have not been cleared 8 feet from ground.	8/18/2010	377.00	151.00	240.00	13.00	781.00
138	482582038	F & T GROUP	16015 PHOENIX DR CITY OF INDUSTRY CA, 91745	Weeds have not been properly abated according to the lot size requirements. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/12/2010	405.46	151.00	240.00	13.00	809.46

-93-

Item No. A.6



Annual Fire Prevention Weed Abatement Property Abatement List

Start Date: 4/1/10 **End Date: 4/5/11** **City Council Date**
April 12, 2011

No.	APN	Owner	Address	Description	Date	Fees	Fees	Fees	Fees	Total	
139	482582039	F & T GROUP	16015 PHOENIX DR CITY OF INDUSTRY CA, 91745	Weeds have not been properly abated according to the lot size requirements. Tree branches have not been cleared 8 feet from ground. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/12/2010	405.46	151.00	240.00	13.00	809.46	
140	482582040	F & T GROUP	16015 PHOENIX DR CITY OF INDUSTRY CA, 91745		8/12/2010	342.00	151.00	240.00	13.00	746.00	
141	485032001	SMITH, WILLIAM B	289 TAHOE ST PERRIS CA, 92571	Weeds have not been properly abated according to the lot size requirements. Handwork/cleanup required along perimeter of property. Substantial re-growth of weeds or other vegetation has occurred making necessary to repeat the abatement/cleaning of premises.	8/12/2010	201.50	151.00	240.00	13.00	605.50	
GRAND TOTAL							\$74,059.17	\$21,291.00	\$33,600.00	\$1,833.00	\$130,783.17



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RAH</i>
CITY MANAGER	<i>ms</i>

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: April 12, 2011

TITLE: REPORT OF PARTIAL REDUCTIONS PROCESSED DURING THE MONTHS OF FEBRUARY AND MARCH 2011

RECOMMENDED ACTION

No action required.

BACKGROUND

On October 26, 2010 the City Council of Moreno Valley approved resolution number 2010-88 authorizing the Public Works Director/City Engineer to approve partial security reductions of public improvement securities and accept the partial public improvements as complete, but not into the City maintained system.

DISCUSSION

Per resolution number 2010-88 and in conformance with the Land Development Division Policy number LDD 2010-11, Land Development staff is providing a Partial Reduction list for the months of February and March 2011. No partial reductions were processed in January 2011. The list provides information regarding the project number, developer, original security amount, reduction amount, and remaining security amount.

ALTERNATIVES

N/A

ATTACHMENTS/EXHIBITS

Exhibit "A" – Resolution 2010-88

Exhibit "B" – Partial Reduction List for February and March 2011

Prepared By:
Liz Plazola
Sr. Administrative Assistant

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

Concurred By:
Mark W. Sambito
Engineering Division Manager

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

RESOLUTION NO. 2010 – 88

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO REDUCE FAITHFUL PERFORMANCE SECURITIES ASSOCIATED WITH PUBLIC IMPROVEMENTS

WHEREAS, Section 66499 of the Government Code provides that a local agency may require a security in connection with the performance of any act or agreement; and

WHEREAS, Section 66499 of the Government Code also provides that a local agency may provide for the partial release of the security upon the partial performance of the act or the acceptance of the work as it progresses; and

WHEREAS, Section 66499 of the Government Code further provides that a local agency may authorize any of its public officers or employees to authorize the reduction of the security in accordance with any conditions set forth under Section 66499 of the Government code and in accordance with any rules that the local agency may prescribe; and

WHEREAS, the City desires and believes that it is in the best interests of convenience and efficiency for the City to designate the Public Works Director/City Engineer of the City of Moreno Valley as the officer authorized to reduce faithful performance securities associated with public improvements on behalf of the City; and

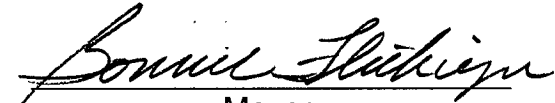
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Moreno Valley, California authorizes the Public Works Director/City Engineer to reduce faithful performance securities associated with public improvements as set forth under Section 66499 of the Government Code and in accordance with Land Development Division Policy No. LDD-2010-01.

BE IT FURTHER RESOLVED that the Public Works Director/City Engineer will notify the City Council by e-mail in advance of processing any request for partial release of security and additionally place a report on the agenda at a regular City Council meeting each month identifying partial releases of security by Tract/Parcel number or project number, the amount of the original security, the amount of any partial reduction of security and the remaining amount of security.

Exhibit "A"

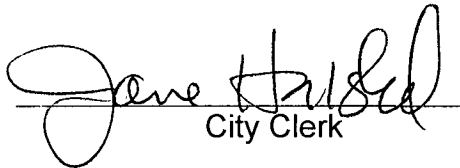
Resolution No. 2010 - 88
Date Adopted: October 26, 2010

APPROVED AND ADOPTED this 26th day of October, 2010.



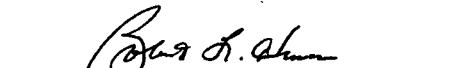
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF MORENO VALLEY)

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2010-88 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 26th day of October, 2010 by the following vote:

- AYES: Council Members Batey, Molina, Stewart and Mayor Pro Tem Hastings

- NOES: None

- ABSENT: None

- ABSTAIN: Mayor Flickinger



CITY CLERK

(SEAL)

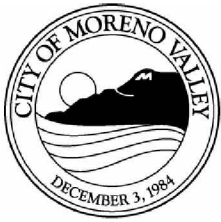
Resolution No. 2010-88
Date Adopted: October 26, 2010

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**Partial Reductions
February and March 2011**

Project Number	Developer	Address	City, State& Zip	Reduction Date	Security Amount	Reduction Amount	Remaining Amount
1 PA07-0090 - Redlands Water Impvts.	HF Logistics SKX-T1	14225 Corporate Way	Moreno Valley, CA 92553	02/15/2011	\$ 171,000	\$ 136,800	\$ 34,200
2 PA07-0090 - Sinclair Water Impvts.	HF Logistics SKX-T1	14225 Corporate Way	Moreno Valley, CA 92553	02/15/2011	\$ 725,000	\$ 580,000	\$ 145,000
3 PA07-0090 - Redlands Electrical	HF Logistics SKX-T1	14225 Corporate Way	Moreno Valley, CA 92553	03/02/2011	\$ 206,000	\$ 103,000	\$ 103,000
4 PA07-0090 - Eucalyptus Ave Electrical Imprvts.	HF Logistics SKX-T1	14225 Corporate Way	Moreno Valley, CA 92553	03/10/2011	\$ 849,000	\$ 509,400	\$ 339,600

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>Ret</i>
CITY MANAGER	<i>ms</i>

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: April 12, 2011

TITLE: PA07-0090 - REDLANDS ELECTRICAL IMPROVEMENTS – UTILITY ELECTRICAL INFRASTRUCTURE – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE UTILITY ELECTRICAL INFRASTRUCTURE AS COMPLETE AND ACCEPTING THE UTILITY ELECTRICAL INFRASTRUCTURE INTO THE CITY’S MAINTAINED SYSTEM

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER – HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-33 authorizing the acceptance of the Utility Electrical Infrastructure for PA07-0090 - Redlands Electrical Improvements as complete and accepting the Utility Electrical Infrastructure into the City’s maintained system; and
2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

BACKGROUND

On July 13, 2010 the City Council of the City of Moreno Valley approved the agreement and bonds for the Redlands Electrical improvements. The Faithful Performance bond amount was for Five Hundred Fifteen Thousand dollars (\$515,000). The Material and Labor bond amount was for Two Hundred Fifty-Seven Thousand Five Hundred dollars (\$257,500).

On December 16, 2010, the Redlands Electrical improvements received a 60% reduction. The amount reduced was Three Hundred Nine Thousand dollars (\$309,000). On March 2, 2011, a second partial reduction of 20% of the original bond amount was given to the developer. The amount reduced was One Hundred Three Thousand dollars (\$103,000).

Project PA07-0090 received ongoing inspection for the Utility Electrical Infrastructure of the Redlands Electrical Improvements during the construction process. Upon completion of the improvements, Public Works/Enterprise Services Administration performed an inspection and approved the work. The improvements are now eligible for acceptance into the City's maintained system.

DISCUSSION

The completed utility electrical infrastructure for Redlands Electrical Improvements has received a final inspection. It has been determined that the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. It is therefore appropriate to accept the utility electrical infrastructure for the Redlands Electrical Improvements into the City's maintained system and to provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond of \$51,500 issued by Safeco Insurance Company of America. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material & Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed resolution authorizing the acceptance of the Utility Electrical Infrastructure for Redlands Electrical Improvements for PA07-0090 as complete and accepting the Utility Electrical Infrastructure into the City's maintained system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of*

Moreno Valley Standards and are being used by the public and therefore should be included in the City's maintained system.

2. Do not adopt the proposed resolution authorizing the acceptance of the Utility Electrical Infrastructure for Redlands Electrical Improvements for PA07-0090 as complete and accepting the Utility Electrical Infrastructure into the City's maintained system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Use of the improvements by the public, and maintenance of the improvements can result in the improvements being designated as part of the City's maintained system regardless of a lack of action by the governing body. It is more efficient and well defined to take the appropriate action in matters of this nature.*

FISCAL IMPACT

The acceptance of the utility electrical infrastructure improvements into the City's maintained system will create an insignificant additional fiscal impact to the maintenance program of the City under Fund 601-Utility. The fiscal impact will be offset by revenues generated by the utility.

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map

Exhibit "B" - Proposed Resolution

Prepared By
Liz Plazola
Sr. Administrative Assistant

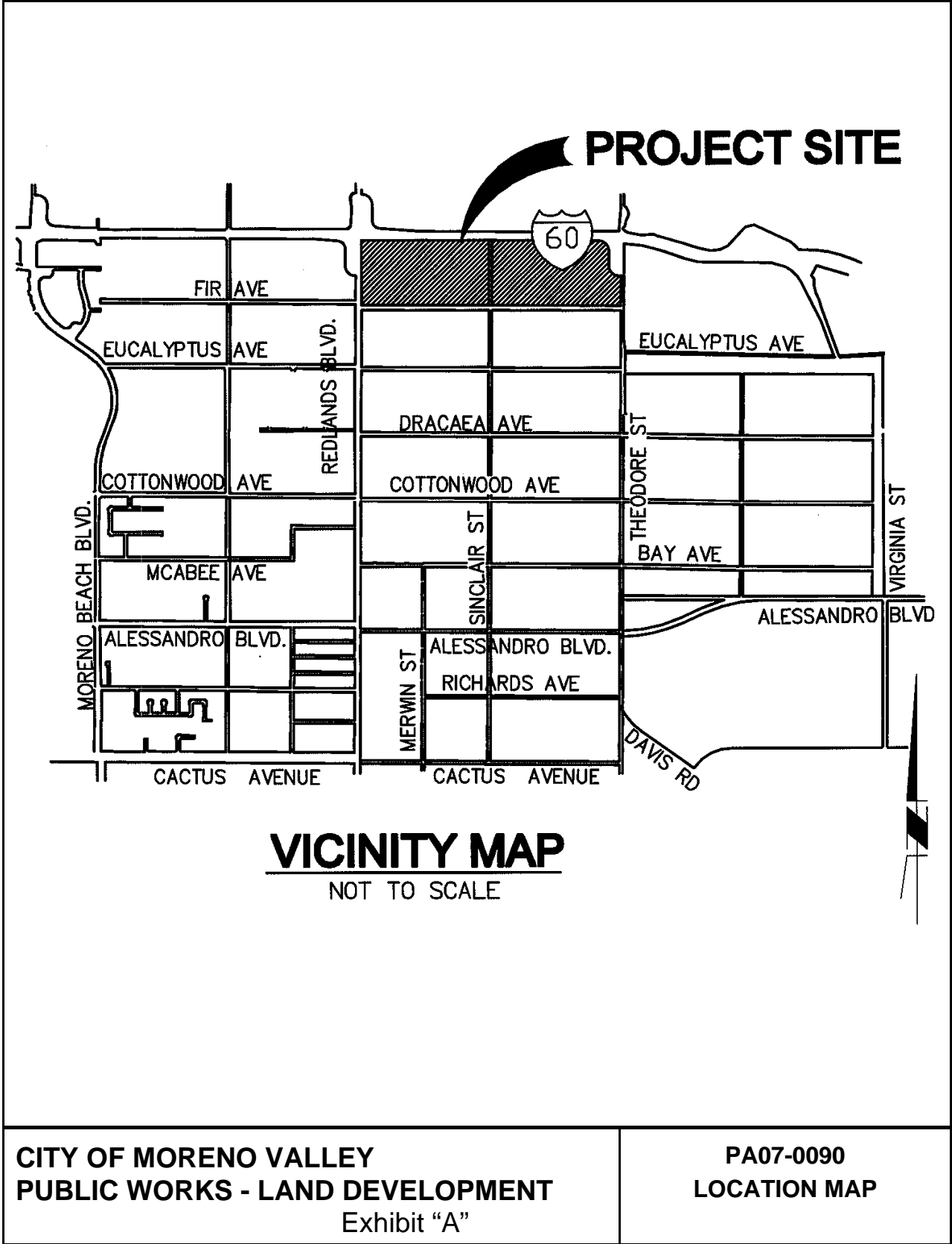
Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Concurred By
Jeannette Olko
Electrical Utility Division Manager

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

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\4-12-11 - PA07-0090 Redlands Elec - 90% Bond Reduction - Utility Electrical.doc



W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\Vicinity Map format surround - Portrait.doc

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RESOLUTION NO. 2011-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE UTILITY ELECTRICAL INFRASTRUCTURE FOR THE REDLANDS ELECTRICAL IMPROVEMENTS AS COMPLETE WITHIN PROJECT PA07-0090, AND ACCEPTING THE UTILITY ELECTRICAL INFRASTRUCTURE INTO THE CITY'S MAINTAINED SYSTEM

WHEREAS, the City Engineer has determined that the utility electrical infrastructure constructed by HF LOGISTICS – SKX T1, LLC was constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that the utility electrical infrastructure was inspected during construction and was completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said utility electrical infrastructure for the Redlands Electrical improvements as complete within project PA07-0090, and accept utility electrical infrastructure into the City's maintained system; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the utility electrical infrastructure for the Redlands Electrical improvements within project PA07-0090 is complete and the utility electrical infrastructure is accepted into the City's maintained system.

APPROVED AND ADOPTED this 12th day of April 2011.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Exhibit "B"

1

Resolution No. 2011-33
Date Adopted: April 12, 2011

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>RH</i>
CITY MANAGER	<i>MS</i>

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: April 12, 2011

TITLE: APPROVAL OF THE FRANCHISE TAX BOARD AGREEMENT TO SHARE TAX INFORMATION

RECOMMENDED ACTION

Staff recommends that the City Council authorize the City Manager or his designee to sign a Franchise Tax Board Agreement that will allow both entities to share tax information confidentially.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

The State of California Franchise Tax Board (FTB) has contacted the City with a proposal to annually share tax information relating to Business License taxes. The purpose of the information exchange is to ensure that all businesses are correctly reporting their taxes to both the City and the State.

DISCUSSION

It is not uncommon to discover that a business operating within the City is incorrectly reported on the State's tax rolls. The City uses several systems and consultants to track this information and ensure its accuracy. One of these systems contains a feature to crosscheck FTB and City Business License tax data; however, that feature has not been used because the FTB and the City have never exchanged tax information.

Errors in a business's tax reporting can easily occur in several situations. If a business moves from one tax jurisdiction to another and forgets to update that information, or the address is incorrectly recorded, the City may lose tax revenues until the error is caught

and fixed. Businesses with multiple locations may report sales activity disproportionately among the locations; the City may lose tax revenues until the sale activity is correctly reported. If businesses fail to obtain a Business License then taxable activities may be missed until that oversight is corrected.

Staff uses various systems and methods to ensure that taxes are appropriately collected. This agreement with the FTB will allow both entities to annually crosscheck their information and correct errors that have not previously been detected or fixed.

The FTB has strict requirements safeguarding the confidentiality of tax information. The City's procedures and systems meet the FTB requirements.

ALTERNATIVES

No alternative method exists to crosscheck FTB and City Business License tax information. Not authorizing this Agreement may result in lost tax revenue for the City.

FISCAL IMPACT

Since existing systems have the capability to reconcile FTB and City Business License tax data, no expense is anticipated in implementing this agreement. Not authorizing this Agreement may result in lost tax revenue for the City.

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.

ATTACHMENTS/EXHIBITS

Attachment 1: State of California, Franchise Tax Board Agreement

Prepared By:
Steve Hargis
Technology Services Division Manager

Department Head Approval:
Richard Teichert
Financial & Administrative Services Director

Concurred By:
Brooke McKinney
Treasury Operations Division Manager

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

AGREEMENT NUMBER C1000237
REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME

Franchise Tax Board

CONTRACTOR'S NAME

City of Moreno Valley

2. The term of this Agreement is: **June 1, 2011 through December 31, 2013**

3. The maximum amount of this Agreement is: **\$ 0.00**
NON-FINANCIAL AGREEMENT

4. The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	3 pages
Exhibit C* – General Terms and Conditions	GTC610
Exhibit D - Special Terms and Conditions	3 pages
Exhibit E - City Record Format Specifications	2 pages
Exhibit F - FTB Record Layout Specifications	1 page
Exhibit G – Confidentiality Statement	1 page

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at www.ols.dgs.ca.gov/Standard+Language/default.htm

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR		<i>California Department of General Services Use Only</i>
CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.) City of Moreno Valley		
BY (Authorized Signature) 	DATE SIGNED (Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING Henry T. Garcia, City Manager		
ADDRESS 15670 Perris Blvd., Moreno Valley, CA 92552		
STATE OF CALIFORNIA		
AGENCY NAME Franchise Tax Board		
BY (Authorized Signature) 	DATE SIGNED (Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING Lisa Garrison, Chief Financial Officer		
ADDRESS P.O. Box 2086, Rancho Cordova, CA 95741-2086		

Exempt per: **SCM 4.04.5.b.**

EXHIBIT A**SCOPE OF WORK**

This Agreement is entered into by and between the Franchise Tax Board, herein referred to as (FTB) and the City of Moreno Valley, herein after referred to as the City.

Purpose:

This Agreement allows FTB and the City to enter into a reciprocal agreement to exchange tax data specific to city business license information for tax administration purposes. By entering into a reciprocal agreement, each party agrees to bear their own costs of providing the data and the City is precluded from obtaining reimbursement.

Both parties will abide by the legal and confidential provisions of this Agreement. Exhibits A, C, D, E, F, and G attached hereto and incorporated by reference herein, set forth additional terms to which the parties agree to be bound.

Legal Authority:

California Revenue and Taxation Code (R&TC) Section 19551.5 mandates cities to provide city business tax data to FTB. R&TC 19551.1 authorizes a reciprocal agreement for the exchange of city business tax and income tax information between a city and FTB.

City Responsibilities:

1. The City agrees that the information provided by FTB will be used exclusively to administer the City's business tax program.
2. The City agrees that information obtained under this Agreement will not be reproduced, published, sold, or released in original or in any other form for any purpose; and only accessed by City employees.
3. The City agrees to provide FTB with tax information pursuant to Exhibit E, Format Specifications, which shall include but is not limited to the following:
 - Business or owner's name.
 - Business or residence address.
 - Federal employer identification number or social security number.
 - North American Industry Classification Code or Standard Industry Classification Code.
4. The City agrees to extract and provide City data to FTB annually in June for each tax year that the Agreement is in place, June 2011, 2012, and 2013. If the Agreement is executed after June 30, 2011, the City has 30 days after execution to provide FTB with the first year's data.
5. The City agrees to submit the records to FTB using FTB's Secure Web Internet File Transfer (SWIFT).
6. The City agrees to submit the records to FTB in ASCII fixed length format, .txt, per the Format Specifications, Exhibit E.

EXHIBIT A**SCOPE OF WORK (continued)**

7. The City agrees to resubmit data in the event data is initially submitted with errors. The resubmission of data must be within 30 days of notification. If data is not submitted accurately and timely, the City forfeits its rights to FTB data for that year.
8. The City agrees that each City employee having access to FTB data shall sign a Confidentiality Statement, Exhibit G. The signed statement is to be retained by the City and produced to FTB upon request.
9. The City agrees to submit to FTB a completed safeguard questionnaire prior to receiving FTB data. The safeguard questionnaire is valid for the duration of the Agreement.
10. The City agrees to provide a copy of the resolution, order, motion, or ordinance of the local governing body, authorizing the execution of the Agreement.

FTB Responsibilities:

1. FTB agrees that information provided by the City will be used for tax administration and non-tax programs that FTB administers and may be shared with other state/federal agencies as authorized by law.
2. FTB agrees that information obtained under this Agreement will not be reproduced, published, sold, or released in original or in any other form for any purpose.
3. FTB agrees to provide the City data extracted from the Taxpayer Information (TI) and Business Entities Tax System (BETS). FTB will provide the City records for taxpayers within the city's jurisdiction who indicate a business on their personal or corporation income tax return. The Record Layout, Exhibit F shall include, but is not limited to:
 - Taxpayer name.
 - Taxpayer address.
 - Taxpayer social security number or federal employer identification number.
 - Principal business activity code.
4. FTB agrees to match the data provided by the City using the social security number or federal employer identification number against FTB's data with a yes or no indicator on the Record Layout, Exhibit F. The first year's data match is at the discretion of FTB and will be based on when the data is received and processed.
5. FTB agrees to provide the City an annual extraction in December 2011 for tax year 2010, December 2012 for tax year 2011, and December 2013 for tax year 2012 via SWIFT.
6. FTB agrees to register the City for a SWIFT account, allowing for the secure electronic transmission of data.
7. FTB agrees to provide the City a unique City Business Tax Number to be used for reporting purposes only.
8. FTB agrees to allow the City to resubmit data within 30 days of notification, in the event data is initially submitted with errors.

EXHIBIT A

SCOPE OF WORK (continued)

Project Coordinators:

The project coordinators during the term of this Agreement will be:

Franchise Tax Board

Cathy McCollum
Data Resources and Services Unit
P.O. Box 1468, Mailstop A181
Sacramento, CA 95812-1468
Phone: (916) 845-4431
Fax: (916) 845-4849

City of Moreno Valley

Steve Hargis
Technology Services Division Manager
15670 Perris Blvd.
Moreno Valley, CA 92552
Phone: (951) 413-3401

Return executed agreement to:

Franchise Tax Board

Procurement & Asset Management Bureau
Attention: Nel Bohling
P.O. Box 2086, Mailstop A-374
Rancho Cordova, CA 95741-2086
Phone: (916) 845-7870
Fax: (916) 845-3599

EXHIBIT D**SPECIAL TERMS AND CONDITIONS**

1. **DATA OWNERSHIP**: The classified confidential tax information being provided to the City under this Agreement remains the exclusive property of FTB. The City shall have the right to use and process the disclosed information for the purposes stated in this Agreement, which right shall be revoked and terminated immediately upon completion of this Agreement.
2. **STATEMENT OF CONFIDENTIALITY**: The Franchise Tax Board has tax return information and other data in its custody, which is confidential data. Unauthorized inspection or disclosure of state tax return information or other confidential data is a misdemeanor (Revenue and Taxation Code Section 19542 and 19542.1).
3. **USE OF INFORMATION**: The City and FTB agree that the information furnished or secured pursuant to this Agreement shall be used solely for the purposes described by this Agreement. The information obtained by FTB shall be used for tax administration and non-tax programs that FTB administers and may be shared with other state/federal agencies as authorized by law. The City and FTB further agree that information obtained under this Agreement will not be reproduced, published, sold, or released in original or in any other form for any purpose other than identified in this Agreement or as authorized by law.
4. **EMPLOYEE ACCESS TO INFORMATION**: Both FTB and the City agree that the information obtained will be kept in the strictest confidence and shall make information available to its own employees only on a "need to know" basis. The "need to know" standard is met by authorized employees who need information to perform their official duties in connection with the uses of the information authorized by this Agreement. Both parties recognize their responsibilities to protect the confidentiality of this information as provided by law and ensures such information is disclosed only to those individuals and of such purpose, as authorized by the Revenue and Taxation Code.
5. **DISCLOSURE OF CONFIDENTIAL INFORMATION**: Any unwarranted disclosure or use of state tax return information or any willful unauthorized inspection of the return information is an act punishable as a misdemeanor. Inspection is defined to mean any examination of confidential information. No one other than authorized employees may access, use, view or manipulate the data being transmitted to the City under this Agreement. The City, in recognizing the confidentiality of state tax return information, agrees to take all appropriate precautions to protect from unauthorized disclosure of the confidential information obtained pursuant to this Agreement. The City will conduct oversight of its users with access to the confidential information provided under this Agreement, and will promptly notify FTB of any suspected violations of security or confidentiality by its users.

The City and each of the City's employees who may have access to the confidential data of FTB will be required to sign a Confidentiality Statement, Exhibit G, attesting to the fact that he/she is aware of the confidential data and the penalties for unauthorized disclosure thereof. The signed statement shall be retained by the City and furnished to FTB upon request.

EXHIBIT D**SPECIAL TERMS AND CONDITIONS (continued)**

6. **INCIDENT REPORTING:** All unauthorized or suspected unauthorized access; use and/or disclosure (incidents) of FTB data shall be reported to FTB's contact, Cathy McCollum at (916) 845-4431, immediately upon discovery of the incident. The incident report shall contain the following: date, time, employee name, description of the incident or circumstances, and means of discovery. Upon discovery of any such incident, FTB will make the appropriate notification to affected California resident(s) pursuant to the requirements of Civil Code Section 1798.29.
7. **INFORMATION SECURITY:** Information security is defined as the preservation of the confidentiality, integrity, availability, authenticity, and utility of information. A secure environment is required to protect the confidential information obtained from FTB pursuant to this Agreement. The City will store information so that it is physically secure from unauthorized access. The records received by the City will be securely maintained and accessible only by employees of the city business license program who are committed to protect the data from unauthorized access, use, and disclosure.
8. **DESTRUCTION OF RECORDS:** All records received by the City from FTB and any database(s) created, copies made, or files attributed to the records received will be destroyed within three years of receipt. The records shall be destroyed in a manner to be deemed unusable or unreadable and to the extent that an individual record can no longer be reasonably ascertained. FTB will destroy City data in accordance with the Department's data retention policies.
9. **INDEMNIFICATION:** Both parties agree to indemnify, defend, and save harmless each other, its officers, agents, and employees from any and all claims and losses accruing or resulting from any breach of confidentiality by either party and/or its employees.
10. **SETTLEMENT OF DISPUTES:** In the event of a dispute, the City shall file a "Notice of Dispute" with the Chief Counsel of the Franchise Tax Board within ten (10) days of discovery of the problem. Within ten (10) days, the Chief Counsel or his/her designee shall meet with the City and the FTB contact for purposes of resolving the dispute. The decision of the Chief Counsel shall be final.
11. **SAFEGUARD QUESTIONNAIRE and REVIEW:** Prior to sending data to the City, FTB requires the City to submit a safeguard questionnaire certifying the protection and confidentiality of FTB data. The FTB retains the right to conduct an on-site safeguard review of the City. The City will be provided a minimum of seven (7) days' notice prior to a safeguard review being conducted by the FTB Disclosure Office. The safeguard review will examine the adequacy of information security controls established by the City in compliance with the confidentiality requirements pursuant to this Agreement. The City will take appropriate disciplinary actions against any user determined to have violated security or confidentiality requirements.
12. **LIMITED WARRANTY:** Either party does not warrant or represent the accuracy or content of the material available through this Agreement, and expressly disclaims any express or implied warranty, including any implied warranty of fitness for a specific purpose.

EXHIBIT D**SPECIAL TERMS AND CONDITIONS (continued)**

13. **CANCELLATION**: Either party may terminate this Agreement, in writing for any reason, upon thirty days' (30) prior written notice. This Agreement may be terminated by either party in the event of any breach of the terms of this Agreement. Both parties agree that in the event of a breach to the terms of this Agreement, it shall destroy all records and any databases created, copies made, or files attributed to the records received. The records shall be destructed in a manner to be deemed unusable or unreadable and to the extent that an individual record can no longer be reasonably ascertained, upon destruction.

14. **NO THIRD PARTY LIABILITY**: Nothing contained in this Agreement or otherwise shall create any contractual relation between either party and any other party, and no party shall relieve the City or FTB of its responsibilities and obligations hereunder. Both parties agree to be fully responsible for the acts and omissions of its third parties and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the City or FTB. Both parties shall have no obligation to pay or to see the payment of any monies to any party or persons either directly or indirectly employed by the City or FTB.

EXHIBIT E

CITY RECORD FORMAT SPECIFICATIONS

Data Element Name	Start Pos.	End Pos.	Field Size	Usage	Description
SOCIAL SECURITY NUMBER (SSN)	1	9	9	AN	Must be present unless FEIN is provided. Fill unused field with blanks.
FEDERAL EMPLOYER ID NUMBER (FEIN)	10	18	9	AN	Must be present unless SSN is provided. Fill unused field with blanks.
OWNERSHIP TYPE	19	19	1	AN	Must be present: S = Sole Proprietorship P = Partnership C = Corporation T = Trust L = Limited Liability Company
OWNER'S LAST NAME	20	34	15	AN	Must be present if Ownership Type in position 19 = S.
OWNER'S FIRST NAME	35	45	11	AN	Must be present if Ownership Type in position 19 = S.
OWNER'S MIDDLE INITIAL	46	46	1	AN	May be left blank.
BUSINESS NAME	47	86	40	AN	Enter if business is operating under a fictitious name (Doing Business As (DBA)).
BUSINESS ADDRESS NUMBER AND STREET	87	126	40	AN	Address of the business location or the residence of the owner if sole proprietorship.
CITY	127	166	40	A	Must be present.
STATE	167	168	2	A	Enter standard state abbreviation.
ZIP CODE	169	177	9	AN	Enter the five- or nine-digit ZIP Code assigned by the U.S. Postal Service. If only the first five-digits are known, left-justify information and fill the unused fields with blanks.
BUSINESS START DATE	178	185	8	N	Enter the eight-digit date (MMDDYYYY). Zero fill if not known.
BUSINESS CEASE DATE	186	193	8	N	Enter the eight-digit date (MMDDYYYY) if out of business. Zero fill if not known or still in business.

City of Moreno Valley

Agreement # C1000237

CITY BUSINESS TAX NUMBER	194	196	3	N	Enter three-digit number assigned by FTB.
NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS)	197	202	6	N	Enter the six-digit NAICS code. Fill unused fields with zeros.
STANDARD INDUSTRIAL CLASSIFICATION (SIC)	203	206	4	N	Enter the 2-4 digit SIC code. Left justify (example 99 will be 9900). Fill unused fields with zeros.
TOTAL RECORD LENGTH		206			

EXHIBIT F

FRANCHISE TAX BOARD RECORD LAYOUT SPECIFICATIONS

Field Name	Length	Start Pos.	Description
ENTITY TYPE	1	1	"P" – personal income tax record; "B" – business entity tax record.
SSN or FEIN	9	2	For "P" records, primary taxpayer's social security number; For "B" records, federal employer identification number.
LAST NAME	40	11	For "P" records, the primary taxpayer's last name; For "B" records, business name.
FIRST NAME	11	51	For "P" records ONLY.
MIDDLE INITIAL	1	62	For "P" records ONLY.
SPOUSE SSN	9	63	For "P" records filed with a joint return.
SPOUSE LAST NAME	17	72	For "P" records filed with a joint return.
SPOUSE FIRST NAME	11	89	For "P" records filed with a joint return.
SPOUSE MIDDLE INITIAL	1	100	For "P" records filed with a joint return.
PBA CODE	6	101	Principal business activity code.
ADDRESS NUMBER	10	107	
PRE-DIRECTIONAL DIRECTOR	2	117	Postal Service term (i.e., N, S, E, W, NE, NW, SE, SW).
STREET NAME	28	119	
STREET SUFFIX	4	147	e.g., ST, WAY, HWY, BLVD, etc.
POST-DIRECTIONAL INDICATOR	2	151	Postal Service term (i.e., N, S, E, W, NE, NW, SE, SW).
STREET SUFFIX 2	4	153	
APARTMENT/SUITE NUMBER	10	157	e.g., APT, UNIT, FL, etc.
CITY	13	167	
STATE	2	180	Standard state abbreviation.
ZIP CODE	5	182	The five-digit ZIP Code assigned by the U.S. Postal Service.
ZIP CODE SUFFIX	4	187	Provided if known.
CBT MATCH	1	191	"N" – No match per CBT data. "Y" – Yes: CBT matched to state tax return filed.

EXHIBIT G

CONFIDENTIALITY STATEMENT

State of California

Franchise Tax Board

Confidential tax return information is protected from disclosure by law, regulation, and policy. Information security is strictly enforced. Violators may be subject to disciplinary, civil, and/or criminal action. Protecting confidential tax return information is in the public’s interest, the state’s interest, and the city’s interest.

A city employee is required to protect the following types of information received from the Franchise Tax Board:

- Taxpayer name
- Taxpayer address
- Taxpayer social security number or taxpayer identification number
- Principal business activity code

A city employee is required to protect confidential information by:

- Accessing or modifying information only for the purpose of performing official duties.
- Never accessing or inspecting information for curiosity or personal reasons.
- Never showing or discussing confidential information to or with anyone who does not have the need to know.
- Placing confidential information only in approved locations.
- Never removing confidential information from your work site without authorization.

As a city employee, you are required to know whether information is protected. If you have any question regarding whether particular information is confidential, check with your department’s project coordinator.

Unauthorized inspection, access, use, or disclosure of confidential tax return information is a crime under state laws, including but not limited to Sections 19542 and 19552 of the California Revenue and Taxation Code and Section 502 of the Penal Code. Unauthorized access, inspection, use, or disclosure may result in either or both of the following:

- State criminal action
- State and/or taxpayer civil action

You are reminded that these rules are designed to protect everyone’s right to privacy, including your own.

I certify that I have read the confidentiality statement printed above. I further certify and understand that unauthorized access, inspection, use, or disclosure of confidential information may be punishable as a crime and may result in disciplinary and/or civil action being taken against me.

Name	
Signature	Date

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>But</i>
CITY MANAGER	<i>ms</i>

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Acting Assistant City Manager

AGENDA DATE: April 12, 2011

TITLE: Resolution Regarding the Liberty Quarry

RECOMMENDED ACTION

Staff recommends that the City Council discuss and consider Resolution No. 2011-31 regarding the Liberty Quarry.

BACKGROUND

Granite Construction Incorporated has proposed the Liberty Quarry project in Southwest Riverside County to address the need for construction grade aggregate resources in Southern California. The proposed project would help meet the current and projected demand for construction aggregates in the Temecula-Murrieta area, southwestern Riverside County, and northern San Diego County by providing reliable, high-quality, aggregate products at a maximum permitted production level of 5 million tons per year for a maximum of 75 years. The operations at Liberty Quarry would involve hard rock extraction and crushing, material processing and product production, and truck transport of quarry products to customers.

The proposed site is located within Riverside County at the border to San Diego County, west of I-15, and comprises 414 acres. One hundred fifty-five acres are proposed for the quarry area and associated support operations, 9 acres would be used for an access road and utility pad, and 250 acres would remain as undisturbed open space and would serve as buffers to adjacent properties. The proposed project would include construction of a crushed rock processing plant and associated facilities. The project would also include construction of an additional lane at the southbound I-15 off-ramp at Rainbow Valley Boulevard to accommodate traffic entering the site from the north.

According to the environmental impact report released by Riverside County, in addition to the processing plant and support facilities, the project would include the following specific design features that avoid or reduce potential impacts:

- Open space areas and buffers
- Reclamation plan suitable for habitat open space
- Enclosed equipment to reduce dust and odors
- Low-profile installation, onsite setbacks, and a landscaped berm to limit noise and views
- Water reuse to conserve water resources

Additionally, reclamation activities would be conducted during all phases of development of the Proposed Project, and the post-reclamation end use would be suitable for habitat open space.

In July, 2009, the County of Riverside released the Draft Environmental Impact Report (DEIR) for this project, which assessed potentially significant impacts related to the environment. Of the elements studies, the DEIR determined that there would be no adverse impact to mineral resources and less than significant impacts with implementation of mitigation measures, design considerations and/or compliance with standard regulations for the following issue areas: aesthetics and light, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, utilities and service systems, and vibration. The DEIR did determine that the proposed project would result in “significant and unavoidable impacts” to air quality and traffic/transportation, which cannot be mitigated to below a level of significance. However it also indicated that those impacts would occur without the project due to diesel trucks traveling long distances to haul aggregate if the quarry is not constructed. The Draft EIR was circulated for 120 days for review for the period from July 20, 2009 through November 23, 2009 (the review period was extended from the original 60 days to 120 days per public requests) and 232 comment letters and emails were submitted. The Final Environmental Impact Report was released by the County on March 24, 2011 and included no major changes to the Draft EIR.

DISCUSSION

The proposed resolution was placed on the agenda at the direction of members of the City Council. Similar resolutions of support have been adopted by the cities of Banning, Beaumont, and Eastvale. Granite Construction lists among the supporters of the project the Greater Riverside Chambers of Commerce, Moreno Valley Chamber of Commerce, Inland Empire Economic Partnership and the Riverside Building Industry Association. Proponents of the project cite the need to increase aggregate reserves. According to the California Geological Survey, at the current rate of production the state’s permitted aggregate reserves will be exhausted in about 30 years; the California Department of Conservation reports that Western Riverside County currently has less than 16 years of permitted aggregate reserves remaining. California State Geologist John Parrish has

stated that increasing demands for a dwindling supply of construction grade aggregates as California's population grows will result in higher market prices for aggregate commodities. This could result in higher project costs for all types of construction.

The City of Temecula passed a resolution opposing the project on March 8, 2011. Temecula's resolution states that the project is incompatible with County development, zoning, and land use standards, as well as the Multiple Species Habitat Conservation Plan, and should be prohibited. The Temecula resolution also states that the project will degrade air quality, increase traffic and negatively impact the economy and that the Draft EIR is "fundamentally misleading and incomplete." Opponents of the Liberty Quarry project include a group of residents from Rainbow, Fallbrook and Southwest Riverside County called "Save our Southwest Hills"; the group's website includes a list of nearly 500 businesses and organizations opposed to the quarry project.

ALTERNATIVES

- 1) Approve the attached resolution in support of the need for and benefits of the Liberty Quarry.
- 2) Not approve the attached resolution in support of the need for and benefits of the Liberty Quarry.
- 3) Direct staff to prepare a different resolution regarding the Liberty Quarry.
- 4) Take no official position with regard to the Liberty Quarry.

FISCAL IMPACT

The proposed resolution will have no fiscal impact to the City.

SUMMARY

Granite Construction Incorporated has proposed the Liberty Quarry project in Southwest Riverside County to address the need for construction grade aggregate resources in Southern California. A proposed resolution in support of the need for and benefits of the Liberty Quarry project was placed on the agenda at the direction of members of the City Council.

COUNCIL GOALS

Public Facilities and Capital Projects: Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

Advocacy: Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

ATTACHMENTS/EXHIBITS

Attachment A: Resolution No. 2011-31 in support of the need for and benefits of Liberty Quarry.

Prepared By:
Michelle Dawson
Acting Assistant City Manager

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

RESOLUTION NO. 2011-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, IN SUPPORT OF THE NEED FOR AND BENEFITS OF LIBERTY QUARRY

WHEREAS, access to high quality, affordable construction materials geographically near major transportation corridors is critical to address sustainable growth and development throughout California; and

WHEREAS, California is facing a critical shortage of aggregate materials and reserves that is both substantial and immediate; and

WHEREAS, according to the California Geological Survey, at the current rate of production the state's permitted aggregate reserves will be exhausted in about 30 years, and according to the California Department of Conservation, Western Riverside County currently has less than 16 years of permitted aggregate reserves remaining; and

WHEREAS, the Liberty Quarry could produce up to 5 million tons per year of aggregate, concrete and asphalt and could supply all of the Southwestern portions of Riverside County with enough aggregate for its needs for the next 75 years; and

WHEREAS, a local quarry project such as Liberty Quarry would contribute \$300 million in new sales tax revenue, \$41 million in new property taxes and fees and \$2.2 million in Riverside County taxes annually; and

WHEREAS, the proposed quarry would provide jobs for residents in Southwest Riverside County as well as generate numerous indirect jobs in other parts of Riverside County; and

WHEREAS, aggregate supply facilities in Banning, Palm Springs, and Indio currently truck aggregate through the City of Moreno Valley and neighboring communities to meet the needs of Southwest Riverside County and northern San Diego because of a lack of local aggregate; and

WHEREAS, the proposed Liberty Quarry in Southwest Riverside County would provide these markets with a local source of aggregate and take hundreds of aggregate-hauling trucks off of State Route 60 and Interstate 215.

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

1. That Moreno Valley supports efforts to make available additional aggregate resources nearby major transportation corridors to reduce the impacts of and increased costs related to importing material long distances.

ATTACHMENT A

1

Resolution No. 2011-31
Date Adopted: April 12, 2011

2. Presuming completion of required environmental review and analysis and mitigation of impacts as directed by Riverside County, Moreno Valley supports the Liberty Quarry project and encourages the County to work closely with the other stakeholders in the region and area to ensure that this important facility is permitted and developed for the benefit of all citizens of Riverside County.

APPROVED AND ADOPTED this 12th day of April, 2011.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ATTACHMENT A
2

Resolution No. 2011-31
Date Adopted: April 12, 2011

RESOLUTION JURAT

[Clerk's office will prepare]

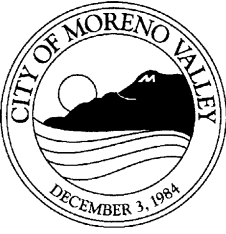
[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

ATTACHMENT A

3

Resolution No. 2011-31
Date Adopted: April 12, 2011

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APPROVALS	
BUDGET OFFICER	EW
CITY ATTORNEY	RM
CITY MANAGER	WBJ

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: April 12, 2011

TITLE: CONSIDERATION OF A REQUEST FROM BREAKTHROUGH COMMUNITY CORPORATION (BCDC) TO SPONSOR ITS HOPE FOR OUR YOUTH CAMPAIGN

RECOMMENDED ACTION

Staff recommends that the City Council consider the request of Breakthrough Community Corporation (BCDC) to sponsor its Hope for Our Youth Campaign (HYC), in the amount of \$2,040.

BACKGROUND

Council Member Robin N. Hastings requested, and Council Member William H. Batey II seconded, to agendize City Council consideration of sponsorship of Breakthrough Community Corporation's (BCDC) Hope for Our Youth Campaign (HYC).

On April 5, 2011, Breakthrough Community Corporation (BCDC), submitted a Sponsorship Application Request for its Hope for Our Youth Campaign (HYC). The event is planned for Saturday, May 21, 2011, from Noon – 5 p.m, at the Moreno Valley Conference & Recreation Center (C&RC). It is estimated 1,000 plus attendees will attend the overall event, and 600 will attend the performance of the play. There are three HYC objectives: 1) bring together key community resources to address issues that youth face; 2) reach youth through drama and art; and 3) get guns off of the street.

The Community Resource Fair component of the HYC will provide information and resources to a diverse group of youth between the ages of 12 – 25 years old, who reside in Moreno Valley and neighboring cities. Viable resources such as mental health counseling, drug intervention, suicide prevention information, spiritual counseling, gang intervention, AIDS testing and counseling, as well as mentoring programs will be

available. No fee will be charged to attend the Community Resource Fair portion of the event.

The second objective of the HYC is to reach youth on a level in which they can relate through drama and art. Breakthrough Community Corporation (BCDC) has teamed up with Demarco Plays LLC to bring the reality stage play *Kila'Delphia* to the community. The play provokes change and provides a platform for ushering discussions as a pathway to help and heal the dysfunctional family structure. To ensure attendance does not exceed the capacity of the C&RC, tickets will be presold at the cost of \$5.00 per ticket. Breakthrough Community Corporation (BCDC) is seeking sponsorships for the cost of the tickets; and if successful, free tickets will be offered.

The third objective of the HYC collaborative is to get guns off the street. Breakthrough Community Corporation (BCDC) is partnering with the Moreno Valley Police Department in an effort to reduce the number of guns on the streets. During the event, the police department will implement an amnesty program where a person can turn in their gun(s) with no questions asked. Breakthrough Community Corporation (BCDC) is seeking gift card donations from local businesses that will be given to each individual who turns in a gun.

DISCUSSION

The Breakthrough Community Corporation (BCDC) is a non-profit organization existing pursuant to Internal Revenue Section 501(c)(3) and complies with "City Sponsorship" Policy 2.36. The event, as described above, meets with the event eligibility criteria. Breakthrough Community Corporation (BCDC) would be eligible for the requested \$2,040 sponsorship based upon the projected attendance, and the sponsorship amount does not exceed fifty percent of the funds raised for the event. The \$2,040 is the amount of the Moreno Valley Conference and Recreation Center rental fee for the event.

ALTERNATIVES

1. Approve Breakthrough Community Corporation's (BCDC) Sponsorship Application for its Hope for Our Youth Campaign (HYC), in the amount of \$2,040.
2. Deny Breakthrough Community Corporation's (BCDC) Sponsorship Application for its Hope for Our Youth Campaign (HYC), in the amount of \$2,040.

FISCAL IMPACT

In Fiscal Year 2010/2011, \$5,000 was budgeted for Special Events in the City Council's Business Unit - Line Item 010.11110.6236 as set forth in "City Sponsorship" Policy 2.36.

SUMMARY

Breakthrough Community Corporation's (BCDC) is planning its Hope for Our Youth Campaign (HYC) and is requesting the City Council approve a Sponsorship Request Application to offset the cost of the Moreno Valley Conference & Recreation Center rental fee. The City Council is guided by "City Sponsorship" Policy 2.36 that sets forth criteria of aiding eligible organizations in providing worthwhile community events by paying a portion of the costs.

NOTIFICATION

Publication of Agenda.

Staff notified Breakthrough Community Corporation's (BCDC) of the pending action before the City Council.

ATTACHMENTS/EXHIBITS

1. Breakthrough Community Corporation's (BCDC) Sponsorship Application Request
2. Moreno Valley Conference & Recreation Center Rental Contract
3. Breakthrough Community Corporation's (BCDC) Proposal
4. "City Sponsorship" Policy 2.36

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\Staff Reports\2011\Breakthrough Community Development Corp Hope for Our Youth Campaign\041211 Report.doc

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City of Moreno Valley
Sponsorship Application Request - Local Events - Regional Events

Applications must be filed at least 60 days prior to the event. All applications must be accompanied by a Special Event Permit and Application.

Application Information

- 1. Organization Name (if any): BREAKTHROUGH COMMUNITY DEVELOPMENT CORP.
2. Non-Profit Federal Tax Identification Number: 26-3386105
3. Event Title: HOPE FOR OUR YOUTH CAMPAIGN (HYC)
4. Event Description: AN INITIATIVE DESIGNED TO BRING AWARENESS TO ISSUES FACED BY OUR YOUTH: DRUGS, GANGS, GUNS, AIDS, ETC
5. Event Date: MAY 21, 2011 Start Time: 12:00 P.M. End Time: 5:00 P.M.
6. Event will take place: [X] City Facility C&RC
7. Is this a fund-raising event? [X] No
8. Provide information on the budget for this event:
Expected Income: \$ 24,973.14
Expected Expenses: \$ 24,973.14
Expected Net Profit: \$
Expected Attendance: 1,000 PLUS
Entry Cost Charged to Participant: \$ 5.00 (IF DONATIONS ARE NOT SECURED)
9. Funding Sources: VARIOUS
10. Amount of Funding: TBD

- Attach a detailed copy of your event budget.
Attach a list of the organization's Board Members including telephone numbers.
Attach a copy of your organization's non-profit IRS tax status.
Request for parade must include a proposed parade route.
Request for park use must include a detailed diagram of park site.

I certify that all statements on this request are true and complete to the best of my knowledge.

Signature: Erica Hopkins Title: PRESIDENT
Individual Name: ERICA HOPKINS Daytime Phone: 562.449.7039
Mailing Address: 22620 GOLDEN CREST DR., #120 MORENO VALLEY, CA 92553 Evening Phone:
E-Mail Address: ERICA.HOPKINS10@YAHOO.COM Fax Number:

To be Completed by the City of Moreno Valley

Received by: Cindy A. Miller Date Received: 4/5/11
Authorized by: Date Authorized:

IP 236 Attachment 1

HYC Project Budget

Budget Summary	Total	Total Requested	Total Donated
I. Personnel/Administrative			
A. Voluneeer Stipend (3 Lead Positions)	300.00	300.00	300.00
B. Ticket Cost (\$5.00 each x 600 seats)	3000.00	3000.00	3000.00
<i>Ticket cost cover Kila Delphia production cost</i>			
II. Non-Personnel			
A. Space Costs (donated by city)	2040.00	2040.00	TBD
B. Marketing, Advertising Cost	2000.00	2000.00	TBD
C. Gun Fund (100 @ \$100.00 each)	10000.00	10000.00	TBD
D. Food catering for 1001(\$2.86 per person)	2862.86	2862.86	TBD
E. Decorations (balloons, table clothes, poster, etc.)	1000.00	1000.00	TBD
F. Raffle Prizes (iPAD, Flat Screen TV, Computer)	1500.00	1500.00	1500.00
Contingency Fund 10%	2270.28	2270.28	TBD
Total		24973.14	24973.14

Breakthrough CDC Hope for our Youth Campaign

Breakthrough CDC Board of Directors

NAME	ROLE	AFFILIATIONS
Dr. Charles E. Gibson	Chairman	Valley Health System New Dementia Bible College TransAmerica
Erica Hopkins	President	California State University Alumni Association Association of the United States Army Northrop Grumman Community Relations Committee Soropomist
Stan Rosendahl	Treasurer	Team Focus Youth Program
Kimberly Evans	Secretary	PCM Property Management University of Pheonix Meniffee Neighborhood Association
Anne Unmatch	Board Member	Project Touch Tarbell Realestate
Alonda Bonner	Interim Historian	Community Action Partnership Project BLISS Individual Development Account Program Shea Realestate Company
Bijohn Slack	Sergent of Arms	Fullerton College Chorus Moreno Valley Chior

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

ERICA HOPKINS
DEPARTMENT OF THE TREASURY

Date: **JUN 30 2010**

BREAKTHROUGH COMMUNITY DEVELOPMENT
CORPORATION
C/O ERICA HOPKINS
22620 GOLDENCREST DR STE 120-124
MORENO VALLEY, CA 92553

Employer Identification Number:
26-3386105
DLN:
600147042
Contact Person:
NANCY L HEAGNEY ID# 31306
Contact Telephone Number:
(877) 829-5500

Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
March 6, 2009
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

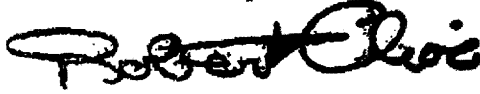
Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 947 (DO/CG)

BREAKTHROUGH COMMUNITY DEVELOPMENT

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Choi". The signature is stylized with a large, sweeping initial "R" and "C".

Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Enclosure: Publication 4221-PC

Letter 947 (DO/CG)

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Rental Contract / Grand Valley Ballroom
Moreno Valley Conference & Recreation Center

Grand Valley Ball Room
 14075 Frederick Street
 Moreno Valley, CA 92553

Banquet Coordinator: Dave Flowers (951) 413-3280
 User: davef

Printed: 17-Mar-11, 03:27 PM

Contract #: 18840
 Date: 16-Feb-11

User: davef
 Status: Tentative

City of Moreno Valley, Department of Parks and Community Services, 14075 Frederick, Moreno Valley, CA 92553 hereby grants City Council Offices hereinafter called the "Licensee" represented by Cindy Miller, permission to use the Facilities as outlined, subject to the Terms and Conditions of this Agreement contained herein and attached hereto all of which form part of this Agreement.

i) Purpose of Use Social Function
 Community Play

ii) Conditions of Use

iii) Date(s) and Time(s) of Use # of Bookings: 2 Starting: Sat May 21, 11 12:00 PM Expected: 500
 Ending: Sat May 21, 11 06:00 PM

Facility/Equipment	Day	Start Date	Start Time	End Date	End Time	Fee	XFee	Tax	Total
Conference & Recreation Center - Grand Valley Ballroom Small Patio	Sat	21-May-11	12:00 PM	21-May-11	05:00 PM	1,500.00	\$393.00	\$0.00	\$1,893.00
Conference & Recreation Center - Alessandro A & B	Sat	21-May-11	12:00 PM	21-May-11	06:00 PM	\$72.00	\$75.00	\$0.00	\$147.00

iv) Additional Fees

Extra Fee - Bookings	Hours	Quantity	Charge	Tax	Total
Conf & Rec Carpet Fee	5:00	1	\$30.00	\$0.00	\$30.00
Conf & Rec Cleaning	5:00	1	\$170.00	\$0.00	\$170.00
Conf & Rec Cleaning Alessandro	6:00	1	\$50.00	\$0.00	\$50.00
Conf & Rec Microphone (cordless)	5:00	4	\$100.00	\$0.00	\$100.00
Conf & Rec Set-Up/Decorating Time	11:00	4	\$118.00	\$0.00	\$118.00
	32:00	11	\$468.00	\$0.00	\$468.00

v) Payment Method

Rental Fees	Extra Fees	Tax	Rental Total	Damage Deposit	Total Applied	Balance	Current
\$1,572.00	\$468.00	\$0.00	\$2,040.00	\$0.00	\$0.00	\$2,040.00	\$0.00

Balance of rental due and payable immediately

Cancellation of Grand Valley Ballroom Permit by Applicant:

Cancellations for the Grand Valley Ballroom shall adhere to the following:

- * Reservations cancelled shall not receive a refund of any of the deposit .
- * Reservations cancelled five (5) to thirty one (32) days prior to the scheduled date of event shall not receive a refund of the deposit and shall be charged for 50% of the rental contract.
- * Reservation cancelled less than five (5) working days from the scheduled date of event receive no refund of the deposit and no refund of the rental contract.

X: _____
 Cindy Miller

City Council Offices
 14177 Frederick Street
 Moreno Valley CA 92553
 USA
 Home: () Business: (951)413-3006
 Fax: ()

X: _____
 Dave Flowers

Name: _____
 Title: Banquet Coordinator
 of Moreno Valley, Department of Parks and Community Servi

Printed: 17-Mar-11, 03:27 PM

User: davef

Rental Contract / Grand Valley Ballroom

Contract #: 18840
Date: 16-Feb-11

User: davef
Status: Tentative

Date: _____

Date: 3-17-2011

Moreno Valley Conference and Recreation Center

APPLICATION REQUEST FORM

Sponsoring Group or Organization: City of Moreno Valley Event Date: 5/21/11 Saturday
 Rental Applicant (Print): Cindy Miller Home #: 413 3006 Decorating Time: 10:00am 12:00pm
 Address: 14177 Frederick Street Work #: x Event Time: 12:00pm 5:00pm
 City / Zip: Moreno Valley Ca 92552 Cell #: x Take Down: 5:00pm 6:00pm
 Insurance Company: _____ E-Mail: _____ Contract #: _____

Room Request: Ballroom/Small Patio # of Attendees: 600 Alcohol: Yes No
 Ballroom/Large Patio (ABC licence and Insurance is required.)

Description of Event: Community Event
 Special Requests: x
 Additional Comments: 15- 6' tables on the Patio Client to provide chairs on patio and easy ups if necessary.

Name of Caterer: _____
 License, Permits and Insurance required
 Name of Bartender Service: _____
 License, Permits and Insurance required

Smoking is only permitted in designated smoking areas (Ordinance No. CSD 52).

*** All fees and conditions must be met at least 30 working days prior to event.

Insurance and cleaning fees are subject to change.

The 750.00 deposit is non refundable if you cancel the event any time prior to your function. (See Rules and Guidelines for details)

Signature of Rental Applicant: _____ Date: _____

OFFICIAL SPACE ONLY

FEES	FEE DESCRIPTION	FEES	FEE DESCRIPTION
waived	Deposit	\$ 100.00	Wireless Microphones \$25 x 4
\$ 1,500.00	Rental \$300 x 5		Video Data Projector \$25.00
\$ 250.00	Cleaning Fee		Audio Visual Tech \$35/hr x
	Security Fee		Deluxe Sound System \$100.00
\$ 93.00	Set up/tear down \$31/hr x 3		Piano \$50.00
By Client	Insurance	\$ 72.00	Alessandro A & B \$12 x 6 hrs
	Dance Floor \$200.00	\$ 25.00	Set up Alessandro Room
\$ 2,040.00 TOTAL AMOUNT DUE		waived	Deposit
			\$ 2,040.00 Balance Due

Authorized Signature: Dave Flowers [Signature] Banquet Facilities Coordinator 3-17204
 Print / Signature / Title

Approved Date: _____
 Disapproved Date: _____ Reason: Cecilia Gonzales

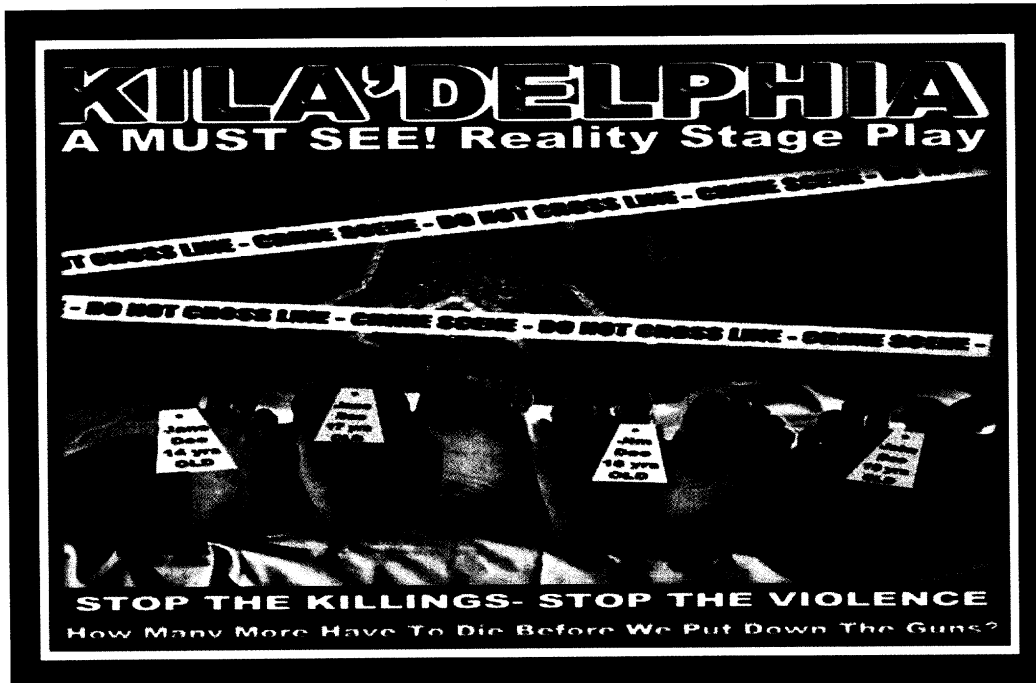
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Breakthrough Community Development Corporation (BCDC)
22620 Goldencrest #120
Moreno Valley, CA 92553

Purpose:

Breakthrough Community Development Corporation - Hope for our Youth Campaign (HYC)

A Stop the Violence Initiative



Proposal Submitted to:

Council Woman, Robin Hastings, City of Moreno Valley
Police Chief, John Anderson, Moreno Valley Police Department
Kenn Young, Superintendent Riverside County Schools

Submitted by:

Board of Directors
Breakthrough Community Development Corporation

Dr. Charles Edward Gibson, Chairman of the Board
Erica Hopkins, Breakthrough CDC President

February 4, 2011

Breakthrough Mission:

Breakthrough Community Development Corporation is a nonprofit public benefit organization whose mission is to build strong communities through neighborhood revitalization, affordable housing development and economic empowerment. Founded in March of 2009 by Dr. Charles Edward Gibson, the organization achieves its mission through public and private partnerships and the implementation of effective programs designed to inspire, empower and provoke social change.

Breakthrough Vision:

The vision of the Breakthrough Community Development Corporation is to be the conduit that facilitates positive change in the community, addressing all the components that create a thriving community including housing, education, finance, and social development.

PROGRAM DESCRIPTION:**Hope for our Youth Campaign (HYC)**

There has been an increase in criminal activity amongst our youth in Riverside and San Bernardino counties including: gang violence, school shootings, rape, robbery, tagging and other senseless acts of violence. These activities stem from various ailments that plague our community like bullying, peer pressure, drug addiction, alcoholism, promiscuity, teenage pregnancy, AIDS, sexually transmitted diseases, suicide, depression, domestic violence and lack of parent/child communication. Although there are programs and services available to address these issues, more needs to be done on a level that speaks directly to our youth who fall victim to these ailments.

Hope for our Youth Campaign (HYC) is an initiative designed to bring awareness to the above issues and provide resources and supportive services, as well as, a campaign to get guns off our streets. How many more young people have to die before we, as a community, come together to provide help, support and resources for our children, our nieces, our nephews, and our neighbor's children? HYC seeks to develop a local collaboration with the City of Moreno Valley, the Moreno Valley Police Department, the Moreno Valley School District, the Val Verde School District and local businesses with one common goal, and that is to provide "Hope for our Youth."

PROGRAM OBJECTIVE:

The primary objective of the HYC collaborative is to bring together key community resources in order to address some of the issues our youth face including: gang violence, drug addiction, AIDS, suicide, depression, and other ailments that hinder their success. Viable resources such as mental health counseling, drug intervention, suicide prevention information, spiritual counseling, gang intervention, AIDS testing and counseling, as well as mentoring and encouragement are available in this community. HYC will facilitate bringing these resources together under one roof, during a day of "Hope for our Youth." Local governments, businesses and community based organizations will be asked to support the HYC initiative by participating in the Community Resource Fair component. Organizations such as Riverside County Health Department will be asked to provide staff, information, and resources to address AIDS and STD's during the one-half day Community Resource Fair component of the HYC initiative. A key objective of the Community Resource Fair component is to provide information and resources to a diverse group of youth between the ages of 12 – 25 years old, residing in Moreno Valley and neighboring cities. The key message to our youth is "Hope and Help" is available. Organizations that we will be asking to participate in the Community Resource Fair include but are not limited to: Riverside County Department of Mental Health, the Riverside County Health Department, the Moreno Valley Police Department Anti-Gang Task Force, 7 Habits of Highly Effective Teens Program, Breakthrough Church of God and Christ, Victory Outreach Drug Treatment Program, Cross Word Christian Church, Moreno Valley School District Counselors, Val Verde School District Counselors, Team Focus, Riverside County Superintendent of Schools, and Moreno Valley Parks & Recreation.

The secondary objective is to reach our youth on a level in which they can relate through drama and art. Breakthrough CDC has teamed up with Demarco Plays LLC to bring a national acclaimed reality stage play to the community. The play is entitled Kila Delphia. It is about the plight of three young men who grow up without a father in the home and are left to make difficult decision without proper guidance from their father. The play was written by Antwan Demarco, who grew up in Philadelphia where over 1,500 murders took place in a 3 year period; 17 of those brutally murdered of friends of Demarco. As a result, Demarco vowed to bring awareness to the senseless killings and acts of violence. As Demarco put it, "It is time to "Stop the Violence." The play addresses many of the issues such as gang violence, school shootings, rape, robbery, tagging and other senseless acts that lead to a lifestyle of crime. These activities stem from various ailments that plague our community like bullying, peer pressure, drug addition, alcoholism, promiscuity, teenage pregnancy, AIDS, sexually transmitted diseases, suicide, depression, domestic violence and lack of parent/child communication. The play is designed to capture the very heart of soul of our youth before it is too late. The play also illustrates the quandary of dysfunctional family structures. Play enthusiast have made comments like, "I saw myself, my mother and my brother in the play." The play provokes change and provides a platform for ushering discussions as a pathway for help and healing the dysfunctional family structure.

The final and most important objective of the HYC collaborative is to get guns of the street. This initiative is what we are calling our "Community 3G Network." 3G stands for Guns Gotta Go. With the recent school shooting in Riverside County, San Bernardino County and Los Angeles County, it is time to get guns off the street. Breakthrough CDC is partnering with the Moreno Valley Police Department in an effort to reduce the number of guns on the streets. During the Day of Hope for Our Youth, the police department will implement an amnesty program where a person can turn in their gun(s) with no questions asked. This is similar to initiatives done in Los Angeles County which resulted in hundreds of guns being taken off the street. The plan is for the Moreno Valley Police Department in conjunction with the Riverside County Sheriff's Department, facilitate the receipt of guns turned in during the HYC event.

PARTNER ROLES/RESPONSIBILITIES:

Breakthrough CDC

- Facilitate Overall HYC Collaborative
 - Develop and implement Partnership MOU between Breakthrough CDC and:
 - City of Moreno Valley, Moreno Valley Police Department, Riverside County Superintendent
 - Develop sponsorship forms and distribute to collaborative partners
 - Develop flyers, press release, and marketing tools
 - Enlist support of elected officials (Senator Bill Emerson, Congresswoman Bono, etc.)
 - Secure event sponsors, donations, and raffle prizes
 - Bring Kila Delphia reality stage production to venue location
 - Market and promote event to community
 - Provide on-sight staff including: Community Resource Fair Coordinator, Stage Play Coordinator, Community 3G Network Liaison.
 - Provide food for event
 - Provide raffle prizes for event
 - Secure community resources to participate in Community Resource Fair component
 - Department of Mental Health, Riverside County Health Department, Gang Intervention Resources, Domestic Violence Awareness Team, Suicide Prevention, Victory Outreach Drug Treatment Program, 7 Habits of Highly Effective Teen, etc., Team Focus, etc.

City of Moreno Valley

- Primary Sponsor of Event
 - Support HYC Collaborative
 - Provide location for venue i.e. Moreno Valley Conference Center
 - Provide Audio Visual equipment for stage play
 - Approve all event flyers, press release, and marketing items
 - Secure event sponsor, donations, and raffle prizes

- Market and promote event to the community
 - TV 3, City Website, Chamber of Commerce, etc.

Moreno Valley Police Department

- Community 3G Network Primary Facilitator – Guns Gotta Go (3G)
 - Support HYC Collaborative
 - Facilitate effort to get guns off the street
 - Invoke Amnesty Program
 - Receive all guns turned in during the on the Day of Hope for our Youth Event, no questions asked
 - Secure funding support (if possible) through grants and / or other funding resources
 - Purpose of funding:
 - Give \$100.00 to all those turning in a gun
 - Secure raffle prizes, etc.
 - Offset other cost i.e. police support, security, etc.
 - Market and promote event to the community
 - Enlist support of Riverside County Sherriff
 - Work with Breakthrough CDC 3G Network Coordinator

Riverside County Superintendent of Schools – Kenn Young

- School District Representative
 - Support HYC Collaborative
 - Enlist support of local school district superintendents
 - Moreno Valley School District
 - Val Verde School District
 - Promote event within schools and local community
 - Provide information on available resources for the youth during Community Resource Fair component of the event
 - Participate in kick off of event
 - Secure funding support (if possible) through grants, private donations, and / or other funding resources

PROPOSED VENUE:

DATE: Saturday, April 30th 2011

TIME: 1:00 PM – 4:00 PM

LOCATION: Moreno Valley Conference and Recreation Center
14075 Frederick St., Moreno Valley, CA, 92552

Room A – Main Room (Seating for 600)

- Event Kick off
- Reality Stage Play
- Food

Room B – Community Resource Fair Component

- 6 Foot Tables w/2 Chairs for each support organization
- Space/booths for 15 organizations

Room C – 3G Network – (Turn in Your Gun)

- 6 Foot Tables w/2 Chairs for Moreno Valley Police Department
- Bin for guns
- 3-4 Space/booths for turning in guns and receiving \$100.00 (or gift card)

PROJECT GOALS:

The goal of HYC is to provide the above venue at no cost to the participants. We endeavor to make this event "free" for the entire community, while simultaneously sending a clear message of Hope for our Youth. In addition, we want to get guns off the streets and out of the hands of juveniles. The normal cost to attend the reality stage play is \$12.00 per person. Our goal is to secure enough grant funding/donations to provide 600 free seats as well as free food for all participants. In addition, our goal is to get a minimum of 100 guns off the street and provide \$100.00 cash and/or a gift card for every person who turns in a gun. Our ultimate goal is to reach a minimum of 600 people from all age ranges and provide vital resources and information in order to help facilitate positive change in our community. Another goal is to raffle off significant prizes such as an iPad, a Flat Screen TV, and a laptop computer. One prize will be raffled off to those who attend the Kila Delphia reality stage play, while the other prize will be raffled off to those who visit the Community Resource Fair. Raffle tickets will be used to track participation and measure outcomes, as specified below:

PROJECTED OUTCOMES:

The projected outcomes for this venue are as follows:

- 100 guns will be taken off the street
- 600 community members will be exposed to the reality of the issues that affect our youth
- 300 community members will receive information and resources for help and hope

PROJECT EVALUATION CRITERIA:

- Number of guns collected through Moreno Valley Police Department 3G Network
 - Log identifying each gun collected during event
 - Gift cards and/or cash issued for each gun
- Number of community participants that attend the Kila Delphia Reality Stage Play
 - Sign In Sheet will identify number of participants
 - Raffle tickets to be given to all attendees
 - Raffle Prize – iPad (if funding/donation allows)
- Number of community members that obtain information from Community Resource Fair
 - Each resource table will log number of people who visit their booth via raffle ticket and giveaways
 - Raffle ticket will be given to each person that obtains information from each booth
 - Raffle Prize – Flat Screen TV or Laptop computer

PROJECT BUDGET:

Budget Summary

	Total	Total Requested	Total Donated
I. Personnel /Administrative			
A. Volunteer Stipend (3 Lead Positions)	300.00	300.00	TBD
B. Ticket Cost (\$12.00 each x 600 seats)	7,200.00	7,200.00	TBD
<i>Ticket Cost cover administrative fees and Kila Delphia production cost.</i>			
II. Non-Personnel			
A. Space Costs (donated by city)	TBD	TBD	TBD
B. Marketing, Advertising Cost	2,000.00	2,00.00	- 0 -
C. Gun Fund (100 guns @ \$100.00 each)	10,000.00	10,000.00	- 0 -
D. Food catering for 700 (\$2.86 per person)	2,000	2,000.00	- 0 -
E. Decorations (balloons, table clothes, poster, etc.)	500.00	500.00	- 0 -
F. Raffle Prizes (iPAD, Flat Screen TV, Computer)	1,000.00	1,000.00	- 0 -
Contingency Fund 10%	2,000	2,000	
Total this Grant	\$25,000.00	\$25,000.00	\$TBD

CITY SPONSORSHIP

PURPOSE: City sponsorship is provided for the purpose of aiding eligible organizations in providing worthwhile community events by paying a portion of the costs and receiving positive publicity for the City. The purpose of this policy is to set forth criteria to be met by the applicant prior to consideration of the request for sponsorship, as well as policies and procedures to be followed by the City in acting on the request for sponsorship.

POLICY:**I. Sponsorship**

The City of Moreno Valley receives numerous requests to sponsor or co-sponsor events, activities, individuals or groups. The City has limited resources available for these sponsorship opportunities. For that reason, it is the City's policy to only sponsor or co-sponsor cultural or recreational events provided to the community by non-profit organizations existing pursuant to Internal Revenue Code Section 501(c)(3) or (4) that are located within the City. Sponsorship is a discretionary act of the City that confers no legal rights in the sponsorship proceeds or assistance prior to actual delivery by the City. No organization shall receive any City sponsorship proceeds or assistance unless and until it meets all of the criteria and satisfies all of the conditions contained within this policy and said sponsorship requester has submitted a completed application packet to the satisfaction of the City Manager. Upon approval of the Sponsorship Application packet, the sponsorship request will be forwarded to the City Council for review and consideration.

II. Organization Eligibility

Criteria for organization eligibility for City sponsorship is as follows:

- A. Applicant must be organized and existing pursuant to Internal Revenue Code Section 501(c)(3) or (4).
- B. Applicant must have as its primary purpose charity, youth development, cultural enrichment, or civic improvement.
- C. Applicant must be located within the City and providing services or benefits to the community.
- D. Applicant must complete and comply with the application process.
- E. Applicant must demonstrate a need for City sponsorship.
- F. Past events by the applicant must have complied with City requirements and have been free of significant problems.
- G. Applicant must have a valid City Business License.

III. Event Eligibility

Criteria for event eligibility are as follows:

- A. Fundraising shall not be the primary purpose of the event.
- B. Cultural or recreational events only.
- C. Past similar events by the applicant must have complied with City requirements and have been free of

Approved by: City Council

9/24/02

Revised: 11/25/08

CITY SPONSORSHIP

significant problems.

- D. Open to the general public without qualification and must be widely publicized.
- E. Located within the City including the City sphere of influence March Air Reserve Base, March Joint Powers Authority property, and Box Springs Park.

IV. Sponsorship Limitations

Sponsorship proceeds or assistance shall not result in any money being actually given to or paid in behalf of the event organizer. Sponsored events will only receive a "line of credit" with the City that will allow the group to receive credits of City costs up to the designated amount of the sponsorship for the event. Eligible City costs that can be offset by the sponsorship proceeds or assistance up to the maximum amount of the sponsorship are limited to the following:

- A. Mobile stage rental. (A monetary deposit by the applicant will be required.)
- B. Facility rental. (A monetary deposit by the applicant will be required.)
- C. Light or electric pole use in City parks.
- D. City Permits.
- E. Public Safety Services.
- F. City Staff.

V. Sponsorship Amounts

The amount of sponsorship proceeds or assistance shall be determined as follows:

- A. Depending on availability of resources, the City will budget \$5,000 per fiscal year to be used for sponsorship opportunities.
- B. The maximum sponsorship for any qualified organization and event shall not exceed \$2,500 per fiscal year.
- C. The maximum amount of sponsorship shall be directly proportional to the total attendance of the public at the sponsored event as follows:
 - 1. 250 - 500 in attendance = \$500 per event.
 - 2. 501 - 750 in attendance = \$750 per event.
 - 3. 751 - 1,000 in attendance = \$1,000 per event.
 - 4. Over 1,001 in attendance = \$2,500 per event.

In no case shall the sponsorship amount exceed fifty percent (50%) of the funds raised for the event.

Approved by: City Council
9/24/02
Revised: 11/25/08

CITY SPONSORSHIP

- D. Sponsorship amounts or assistance shall not be utilized to cover the cost of insurance.

VI. Application Process

- A. Submit a completed City application (Attachment A) for sponsorship at least 90 calendar days prior to the event date. Failure to comply with this requirement shall be automatic grounds for denying sponsorship. The application shall include a detailed description or listing of the estimated funds, in-kind donations and/or other assistance the organization will receive to support the organization and/or event.
- B. A completed application means completion of the City application for sponsorship, attachment of all required additional documentation, payment of all fees, if applicable, and submission of whatever other information and/or documentation that may be requested by the City to make an informed decision.
- C. Incomplete applications shall not be eligible for City sponsorship.
- D. Applicants shall receive a copy of this policy at the time an application is made to the City.

VII. Approval

- A. A determination shall be made by the City Manager or his/her designee, within 30 calendar days after submission of an application for sponsorship as to its completeness.
- B. The City Manager shall refer the request for sponsorship to the City Council for determination. Determinations on requests for sponsorship shall be made within 30 calendar days after submission of a completed application.
- C. All decisions of the City Council regarding sponsorship shall be final.

VIII. Other Requirements

- A. Applicant must agree in writing to defend and indemnify the City, the Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and their officers, employees and agents from and against any and all liability and claims of liability arising out of or otherwise arising from the event.
- B. Applicant shall submit to the City at least 10 calendar days prior to the event an event implementation plan, if requested by the City. The event implementation plan shall address in detail all issues requested by the City.
- C. Applicant shall agree to list the City of Moreno Valley as an official sponsor of the event in all promotion of the event. Failure to do so shall result in termination of the sponsorship and repayment to the City the monetary value of all sponsorship proceeds or assistance delivered to the applicant or for the event.
- D. Applicant shall coordinate and work directly with the City Manager or his/her designee for use of the City name and City logo.

Approved by: City Council
9/24/02
Revised: 11/25/08

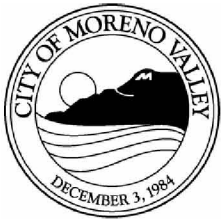
CITY SPONSORSHIP

- E. Applicant must have adequate public liability and other necessary insurance for the event as required by and in accordance with City insurance requirements or as otherwise determined necessary by the City Risk Manager.
- F. All insurance must be issued by a company authorized and licensed to do business within the State of California and has a Best's Insurance Rating of A-, VII, or better to be acceptable to the City.
- G. City, the Moreno Valley Community Services District, the Moreno Valley Community Redevelopment Agency, and their officers, employees, and agents must be named as additional insured on all policies of insurance.
- H. Applicant must provide City with insurance certificates and valid additional insured endorsements or other appropriate insurance binder 15 calendar days prior to the date of the sponsored event.
- I. Applicant shall provide the City with a detailed accounting of all expenses and funds, in-kind donations, and/or other assistance collected for the organization and/or event within 90 days following the event. Failure to provide the required information would deem the organization and/or event ineligible for City sponsorship in the future.

IX. Sponsorship Not Subject To This Policy

This policy shall not apply to events or organizations that are specifically budgeted for in the City's Annual Budget.

Approved by: City Council
9/24/02
Revised: 11/25/08



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RAH</i>
CITY MANAGER	<i>ms</i>

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: April 12, 2011

TITLE: TRACTS 22709, 22709-1, 31128, 31129, & 35760 – MAINTENANCE OF PUBLIC IMPROVEMENTS - ACCEPT AGREEMENT AND IRREVOCABLE LETTER OF CREDIT FOR MAINTENANCE OF THE MORENO BEACH CHANNEL (CHANNEL F) PUBLIC IMPROVEMENTS

Developer: Western Pacific Housing
2280 Wardlow Circle
Suite 100
Corona, CA 92880

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the Agreement and Irrevocable Letters of Credit for Public Improvements for Tracts 22709, 22709-1, 31128, 31129, & 35760.
2. Authorize the Mayor to execute the agreement in the form attached hereto.
3. Direct the City Clerk to forward the signed agreement to the County Recorder's office for recordation.
4. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

The Conditions of Approval for Tracts 22709, 22709-1, 31128, 31129, and 35760 require that the developer make certain public improvements to a segment of the large earthen channel adjacent to the projects from Moreno Beach Drive west to and under Oliver Street, for purposes of flood protection. The channel is the Riverside County Flood Control and Water Conservation District Master Drainage Plan Channel "F". Through a series of events that occurred several years ago, both the Department of Fish and Game and the U.S. Army Corps of Engineers became involved and have required the developer to obtain a permit from each regulatory agency. As conditions of said permits, the developer was required to install and manage the landscaping within the limits of that portion of Channel "F" to the specifications of each agency. The landscaping received oversight from a certified biologist and regular efforts are made to maintain the landscaping to the satisfaction of the agencies during the five-year 'grow-in' period. Per the regulatory agencies there are approximately two years remaining before the landscaping will be fully established and the permits released.

To ensure that the landscaping continues to be maintained through the establishment period, the developer has provided a surety to cover two years worth of maintenance efforts.

DISCUSSION

The developer of this project has completed and submitted a Maintenance Agreement for Public Improvements for the Promotory Park and Celebrations project, known as Tracts 22709, 22709-1, 31128, 31129, and 35760. The developer agrees to maintain improvements for a period of twenty-four (24) months from the date the agreement is executed or until such time as all involved regulatory agencies have accepted the channel and released the developer from the regulatory permits. The improvements include the maintenance of the Moreno Beach Channel known as Channel "F". Accompanying the agreement is an Irrevocable Letter of Credit as Faithful Performance security in the amount of \$846,000 issued by JPMorgan Chase Bank. The Finance Director has determined that JPMorgan Chase Bank meets the minimum financial strength and stability to meet the obligations of the irrevocable letters of credit.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

NOTIFICATION

Publication of agenda.

ATTACHMENTS/EXHIBITS

Exhibit "A" – Agreement for Public Improvements

Exhibit "B" – Irrevocable Letter of Credit as Faithful Performance Security

Prepared By
Liz Plazola
Sr. Administrative Assistant

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

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:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\4-12-11- DR Horton Channel Maint - Orig Agrmnt & LOC.doc

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

No recording fee per Government Code, Section 6103

This space for Recorder's use only.

**AGREEMENT FOR MAINTENANCE OF PUBLIC IMPROVEMENTS
FOR PROMOTORY PARK AND CELEBRATIONS PROJECT
TRACT NUMBERS 22709, 22709-1, 31128, 31129, AND 35760**

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and **Western Pacific Housing, Inc. A Delaware Corporation**, herein after called Developer, on the date the City signs this agreement.

WITNESSETH:

FIRST: Developer, for and in consideration of the approval of the Moreno Beach Channel (Flood Control District Master Drainage Line F) within the Promotory Park and Celebrations Project, known as **Tract Maps 22709, 22709-1, 31128, 31129, AND 35760** agrees, at Developer's own expense, to furnish all labor, equipment and material necessary, and during the next **TWENTY-FOUR (24)** months from the date this Agreement is executed or until such time that all regulatory permits are released, to perform and complete in a good and workmanlike manner, all of the required maintenance in accordance with those improvement plans and in accordance with the biologist and regulatory permit directions, for said project which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City

Security to guarantee the performance of this agreement shall be in the following amount:

Faithful Performance security shall be in the sum of **EIGHT HUNDRED FORTY-SIX THOUSAND DOLLARS AND NO/100** Dollars (*****\$846,000*****). The estimated cost of said work and improvements is outlined in the worksheet labeled Exhibit A attached hereto.

SECOND: Developer agrees to pay to the City the actual cost of such inspection of the works and improvements as may be required by the City Engineer. Developer further agrees that, if suit is brought upon this Agreement or any bond guaranteeing the completion of the required improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Developer and guaranteed by the surety in addition to the face amount of the security, including reasonable attorney's fees, and that, upon entry of judgment, such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this Agreement prior to the completion and approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Developer, his agents or employees, in the performance of the work, and all of said liabilities are assumed by Developer. Developer agrees to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Developer, his agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

Exhibit "A"

FOURTH: The Developer hereby grants to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the improvements. This permission shall terminate in the event that the Developer has completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Developer agrees at all times, up to the completion and acceptance of the improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the improvements, and to protect the traveling public from such defective or dangerous conditions. The Developer shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris. The Developer's obligation under this provision shall be secured by the bonds securing performance of this Agreement.

SIXTH: The Developer, his agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: Developer agrees to file with City, prior to the date this Agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work and improvements for the faithful performance of the terms and conditions of this Agreement, in the amount prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Developer agrees to renew each and every said bond or bonds with good and sufficient sureties or increase the amounts of said bond or bonds, or both, within ten (10) days after being notified by the City Engineer that the sureties or amounts are insufficient. Notwithstanding any other provision herein, if Developer fails to take such action as is necessary to comply with said notice, he shall be in default of this Agreement unless all required improvements are completed within ninety (90) days of the date on which the City Engineer notified the Developer of the insufficiency of the security or the amount of the bonds or both.

EIGHTH: If the Developer, or his agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if the Developer violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications, he shall be in default of this Agreement and notice in writing of such default shall be served upon him. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of the Developer because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Developer, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

NINTH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this Agreement that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this Agreement, extensions of time **may** be granted by the City from time to time, either at its own option, or upon request of Developer, and such extensions shall in no way affect the validity of this Agreement or release the surety or sureties on said bonds, Developer further agrees to maintain the aforesaid bonds in full force and effect during the terms of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

**AGREEMENT FOR PROMOTORY PARK AND CELEBRATIONS PROJECT
TRACT NUMBERS 22709, 22709-1, 31128, 31129, AND 35760
PUBLIC IMPROVEMENTS**

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

City:
City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

Developer:
Western Pacific Housing, Inc. A Delaware Corporation
2280 Wardlow Circle,
Suite 100
Corona, CA 92880

IN WITNESS WHEREOF Developer has affixed his name, address and seal.

Date approved by the City: _____

Western Pacific Housing, Inc. A Delaware Corporation:
Developer

BY: BM Murakami
Signature
Barbara M. Murakami
Print/Type Name
Asst. Vice President
Title

BY: [Signature]
Signature
Keith Alex
Print/Type Name
Vice President
Title

**ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY**

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

**APPROVED AS TO FORM:
CITY ATTORNEY**

Date: 5 APR 2011

By: [Signature]
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATES OTHERWISE.

SIGNATURES OF DEVELOPER MUST BE EXECUTED IN QUADRUPPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - DEVELOPER; GREEN - SURETY; BLUE - PROJECT FILE

EXHIBIT "A"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: TR 22709, 22709-1, 31128, 31129, & 35760

DATE: 03/01/11
PREPARED BY: Liz Plazola

IMPROVEMENT TYPE:

MITIGATION MONITORING SERVICES	\$42,000
CHANNEL MAINTENANCE	\$369,000
CHANNEL CLEARING	\$405,000
SURVEYING, CERTIFICATION, & MEETINGS	\$30,000

TOTAL COST (VALUE) OF IMPROVEMENTS: \$846,000

BOND AMOUNT: \$846,000

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On March 1, 2011 before me, Jennifer L. O'Leary, Notary Public

personally appeared Barbara M. Murakami and Keith Alex
Asst. Vice President Vice President

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.



Place Notary Seal Above

Signature Jennifer L. O'Leary
Signature of Notary Public

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: _____

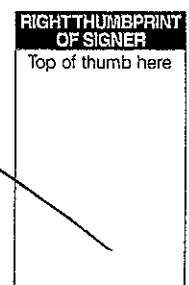
Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____



Signer Is Representing: _____

Signer's Name: _____
 Individual
 Corporate Officer — Title(s): _____
 Partner -- Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____



Signer Is Representing: _____

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JPMorgan Chase Bank, N.A.
Global Trade Services
131 South Dearborn, 5th Floor
Mail Code: IL1-0236
Chicago, IL 60603-5506

MAR 14, 2011
OUR L/C NO.: TFTS-913906

AMENDMENT NO.: 1

TO:
CITY OF MORENO VALLEY
14177 FREDERICK STREET
MORENO VALLEY, CA 92552

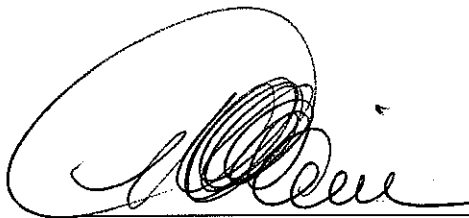
APPLICANT:
WESTERN PACIFIC HOUSING, INC.
2280 WARDLOW CIRLCE
SUITE 100
CORONA, CA 92880

IN ACCORDANCE WITH INSTRUCTIONS RECEIVED, THE ABOVE REFERENCED STANDBY LETTER OF CREDIT HAS BEEN AMENDED AS FOLLOWS:

RECEIVER'S REFERENCE: NONREF

APPLICANT'S NAME AND ADDRESS ARE CHANGED TO
WESTERN PACIFIC HOUSING, INC.
2280 WARDLOW CIRLCE
SUITE 100
CORONA, CA 92880

ALL OTHER TERMS AND CONDITIONS OF THE CREDIT REMAIN UNCHANGED.



AUTHORIZED SIGNATURE

RALPH T. DAVIS
ASSISTANT VICE PRESIDENT

JPMorgan Chase Bank, N.A.
Global Trade Services
300 South Riverside Plaza
Mail Code IL1-0236
Chicago, IL 60606-0236

FEB 28 2011

FEB 25, 2011
OUR L/C NO.: TFTS-913906

BENEFICIARY:

CITY OF MORENO VALLEY
14177 FREDERICK STREET
MORENO VALLEY, CA 92552

APPLICANT:

D.R. HORTON, INC.
301 COMMERCE STREET
SUITE 500
FORT WORTH, TX 76102

AMOUNT: USD846,000.00
(EIGHT HUNDRED FORTY SIX THOUSAND AND 00/100 UNITED STATES DOLLARS)

DATE AND PLACE OF EXPIRY:

FEBRUARY 28, 2012
AT OUR COUNTERS

LADIES AND GENTLEMEN:

WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT IN YOUR FAVOR AVAILABLE FOR PAYMENT UPON PRESENTATION OF BENEFICIARY'S SIGHT DRAFT(S) DRAWN ON JPMORGAN CHASE BANK, N.A., WHEN ACCOMPANIED BY THE ORIGINAL OF THIS CREDIT.

SPECIAL CONDITIONS:

PARTIAL DRAWINGS ARE PERMITTED.

THIS LETTER OF CREDIT IS NOT TRANSFERABLE.

DRAFT(S) MUST BE MARKED: 'DRAWN UNDER JPMORGAN CHASE BANK, N.A., LETTER OF CREDIT NO. TFTS-913906'.

WE ARE INFORMED BY THE APPLICANT FOR INFORMATIONAL PURPOSES ONLY THAT THIS LETTER OF CREDIT IS BEING ISSUED TO COVER THE MAINTENANCE OF THE EXISTING LINE F CHANNEL UNTIL SUCH TIME AS THE REGULATORY AGENCIES ACCEPT IT AS COMPLETE AND CLOSE OUT THEIR RESPECTIVE PERMITS, PER THE DEVELOPMENT AGREEMENT.

JPMorgan Chase Bank, N.A.
Global Trade Services
300 South Riverside Plaza
Mail Code IL1-0236
Chicago, IL 60606-0236

FEB 25, 2011
OUR L/C NO.: TFTS-913906

THIS LETTER OF CREDIT SHALL BE DEEMED AUTOMATICALLY EXTENDED, WITHOUT AMENDMENT, FOR A PERIOD OF ONE (1) YEAR FROM THE PRESENT OR ANY FUTURE EXPIRATION DATE, UNLESS AT LEAST NINETY (90) DAYS PRIOR TO ANY EXPIRATION DATE, WE NOTIFY YOU BY REGISTERED MAIL OR OVERNIGHT COURIER SERVICE AT THE ABOVE ADDRESS, THAT WE ELECT NOT TO EXTEND THIS LETTER OF CREDIT.

WE HEREBY ENGAGE WITH YOU THAT ALL DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH ALL THE TERMS AND CONDITIONS OF THIS LETTER OF CREDIT WILL BE DULY HONORED IF DRAWN AND PRESENTED FOR PAYMENT TO JPMORGAN CHASE BANK, N.A., C/O JPMORGAN TREASURY SERVICES, ATTN: STANDBY LETTER OF CREDIT DEPT., 10420 HIGHLAND MANOR DRIVE, 4TH FL., TAMPA, FLORIDA 33610 ON OR BEFORE THE EXPIRATION DATE OR ANY AUTOMATICALLY EXTENDED EXPIRATION DATE OF THIS LETTER OF CREDIT.

THIS CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (2007 REVISION) INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 600.

IF YOU REQUIRE ANY ASSISTANCE OR HAVE ANY QUESTIONS REGARDING THIS TRANSACTION PLEASE CONTACT OUR CUSTOMER INQUIRY, THEIR NUMBER IS 1-800-634-1969, CHOOSE OPTION 1. E-MAIL ADDRESS IS: GTS.CLIENT.SERVICES@JPMCHASE.COM. PLEASE HAVE OUR REFERENCE NUMBER AVAILABLE WHEN YOU CONTACT US.



AUTHORIZED SIGNATURE

Jon P. Pierson
Assistant Vice President

JPMORGAN CHASE & CO.

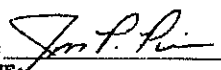
SECRETARY'S CERTIFICATE

I, Nicole Hewitt, do hereby certify that I am a duly elected and qualified Assistant Vice President and Assistant Secretary of JPMorgan Chase Bank, National Association, a national banking association duly organized and existing under the laws of the United States of America (the "Bank") and that set forth below is a true and correct copy of resolutions duly adopted by the directors of the Bank pursuant to a unanimous written consent, effective as of March 29, 2010. I further certify that said resolutions, at the date hereof, are still in full force and effect.


RESOLVED that loan agreements, contracts, indentures, mortgages, deeds, releases, conveyances, assignments, transfers, certificates, certifications, declarations, leases, discharges, satisfactions, settlements, petitions, schedules, accounts, affidavits, bonds, undertakings, guarantees, proxies, requisitions, demands, proofs of debt, claims, records, notes signifying indebtedness of JPMorgan Chase Bank, N.A. (the "Bank"), and any other contracts, instruments or documents in connection with the conduct of the business of the Bank, whether or not specified in the resolutions of the Bank's Board of Directors (the "Board") may be signed, executed, acknowledged, verified, delivered or accepted on behalf of the Bank by the Chairman of the Board, the Chief Executive Officer, the President, the Chief Operating Officer, a Vice Chairman of the Board, a Vice Chairman, any member of the Operating Committee or Executive Committee, any Executive Vice President, the Chief Financial Officer, the General Counsel, the Treasurer, the Controller, the Chief Risk Officer, the Secretary, any Senior Vice President, any Managing Director, any Executive Director, any Vice President, or any other officer having a functional title or official status which is at least equivalent to any of the foregoing, and the seal of the Bank may be affixed to any thereof and attested by the Secretary, any Vice President or any Assistant Secretary; provided, however, that any guarantees, comfort letters or other letters of support issued by the Bank in respect of obligations of any of the Bank's affiliates or subsidiaries ("Support Documents") may be executed only where consistent with such resolutions of the Board dated March 29, 2010, as amended, relating to the provision of Bank guarantees and other support issued by the Bank in respect of obligations of its subsidiaries and affiliates;

RESOLVED that powers of attorney may be executed on behalf of the Bank by the Chairman of the Board, the Chief Executive Officer, the President, the Chief Operating Officer, a Vice Chairman of the Board, a Vice Chairman, any member of the Operating Committee or Executive Committee, any Executive Vice President, the Chief Financial Officer, the General Counsel, the Treasurer, the Controller, the Chief Risk Officer, the Secretary, any Senior Vice President, any Managing Director or any other officer having a functional title or official status which is at least equivalent to any of the foregoing; provided, however, that such powers of attorney may not provide authority for signing Support Documents except as where consistent with such resolutions of the Board dated March 29, 2010, as amended, relating to the provision of Bank guarantees and other support issued by the Bank in respect of obligations of its subsidiaries and affiliates.

I further certify that Jon P. Pierson, with specimen signature as follows, has been duly empowered in accordance with the above resolutions to act in the name, and on behalf, of the Bank, specifically to execute in the name, and on behalf, of the Bank, standby letters of credit.

BY: 
NAME: _____
TITLE: Jon P. Pierson
Assistant Vice President

WITNESS my hand and the seal of JPMorgan Chase Bank, National Association, on the 9th day of March 2011.



Nicole Hewitt

**MINUTES - REGULAR MEETING OF MARCH 22, 2011
(Report of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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B.3 REPLACEMENT OF PLAY STRUCTURES AND PLAYGROUND SURFACING AT JOHN F. KENNEDY VETERANS MEMORIAL PARK AND WOODLAND PARK (ALSO LISTED AS ITEM A.5) (Report of Parks and Community Services)

Recommendation:

1. Award to Miracle Recreation Equipment Company, 878 E Hwy 60, Monett, MO 65708 for material and labor to replace play structures and playground surfacing at John F. Kennedy Veterans Memorial Park and Woodland Park; and
2. Authorize the Purchasing Manager to execute a purchase order in an amount not to exceed \$ 241,976.03 as appropriated in FY10/11, in account code 461.65329.7500.

SEE AGENDA ITEM A.5

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**MINUTES - REGULAR MEETING OF MARCH 22, 2011
(Report of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

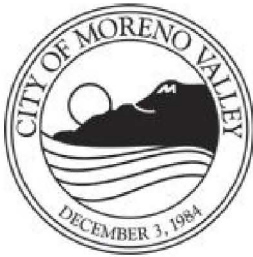
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**MINUTES - REGULAR MEETING OF MARCH 22, 2011
(Report of: City Clerk's Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>Rat</i>
CITY MANAGER	<i>ms</i>

Report to City Council

TO: Mayor and City Council and the City Council Acting in their Capacity as the 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: April 12, 2011

TITLE: PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDINGS FOR SOUTHEASTERN CALIF CONF SEV DAY ADVENTIST CHURCH—APN 484-030-015 AND BUDDHADHAMMO TEMPLE—APN 488-210-014 BALLOTING FOR NPDES AND CSD ZONE M

RECOMMENDED ACTION

1. Staff recommends that the City Council, 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 Southeastern Calif Conf Sev Day Adventist—Assessor Parcel Number (APN) 484-030-015 and Buddhadhammo Temple—APN 488-210-014;
 - b. Verify and accept the result of the mail ballot proceedings as identified on the Official Tally Sheet and attached 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 APNs 484-030-015 and 488-210-014.

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"), 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 Southeastern Calif Conf Sev Day Adventist—APN 484-030-015 and Buddhadhammo Temple—APN 488-210-014;

- b. Verify and accept the result of the mail ballot proceedings as identified on the Official Tally Sheet and attached 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) charges to APNs 484-030-015 and 488-210-014.

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, and 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 costs of special services to those parcels receiving the benefit. The City's Arterial Median Maintenance Policy, adopted by the CSD February 2003 and subsequently amended January 2006, requires that certain commercial, industrial and multifamily developments be conditioned to fund the maintenance of arterial medians.

The Southeastern Calif Conf Sev Day Adventist Church (APN 484-030-015) and Buddhadhammo Temple (APN 488-210-014), (collectively "Property Owners"), have Conditions of Approval that require them to provide a funding source to help support the NPDES and the CSD median program specific to these projects, Zone M. Approving the NPDES maximum commercial/industrial regulatory rate and the CSD Zone M annual charge through a mail ballot proceeding shall fulfill these requirements.

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, a mail ballot proceeding is being conducted to give the Property Owners the option to approve or oppose the NPDES maximum commercial/industrial regulatory rate and the annual charge for the CSD Zone M program. Property Owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on March 22, 2011 and the Public Hearing on April 12, 2011, 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 annually inspect site design, source and treatment control Best Management Practices, monitor maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. Provided the mail ballots are approved, the City will also be authorized to levy the NPDES maximum commercial/industrial regulatory rate on the annual property tax bill or as a monthly charge on a utility bill.

Special Districts, a division of the Public Works Department, manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. Landscape maintenance includes, but is not limited to 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 landscaped medians. The CSD Zone M annual charge is levied on the property tax bill.

The CSD Zone M annual charge for APNs 484-030-015 and 488-210-014 were estimated based on the proposed fully improved Alessandro Blvd. and Nason St. medians adjacent to the parcels. The annual charge shall not be levied until such time as the planning of the medians begins. Upon future development, parcels adjacent to the proposed medians shall be conditioned to provide a funding source for the annual maintenance. At which point, the annual charge for APNs 484-030-015 and 488-210-014 shall be proportionally adjusted.

ALTERNATIVES

1. **Conduct the Public Hearing**, tabulate the ballots, verify, and accept the result of the mail ballot proceedings 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 APN listing, and if approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate and the annual charge for CSD Zone M to APNs 484-030-015 and 488-210-014 (and any division thereof). *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 result of the mail ballot proceedings for APNs 484-030-015 and 488-210-014. *This alternative would be contrary to Proposition 218 mandates.*

FISCAL IMPACT

For fiscal year (FY) 2010/11, the NPDES annual regulatory rate and estimated CSD Zone M charge for Southeastern Calif Conf Sev Day Adventist Church and Buddhaddhammo Temple are as follows:

Project	NPDES Maximum Commercial/Industrial Rate	CSD Zone M Annual Charge
Southeastern Calif Conf Sev Day Adventist Church APN 484-030-015 (and any division thereof)	\$205 per parcel	\$1,579.60
Buddhadhammo Temple APN 488-210-014 (and any division thereof)	\$205 per parcel	\$1,254.11

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge 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.

The NPDES rates collected from property owners support the current Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the NPDES rates are restricted for use only within the Stormwater Management program.

The CSD Zone M annual charge, paid by the adjacent new developments, provides the necessary funding for the maintenance of newly constructed medians within the CSD. The Property Owners are being balloted for maintenance costs of future medians that are planned to be constructed. The amount collected will reduce the General Fund obligation for maintenance for those medians. **The collection of the CSD Zone M annual charge is restricted for use for the maintenance and administration of the improved medians within the CSD Zone M program.**

CITY COUNCIL GOALS

Advocacy

Management of the stormwater will ensure that water pollutants are discharged in compliance with federal mandates and City policies.

Community Image, Neighborhood Pride, and Cleanliness

The Zone M program allows the CSD an opportunity to enhance the appearance of newly developed areas within the City.

Revenue Diversification and Preservation

The CSD Zone M annual charge and the NPDES maximum commercial/industrial regulatory rate provide funding for program costs, which include maintenance and administration.

SUMMARY

The action before the City Council/CSD Board is to accept public testimony, tabulate the returned ballots, verify, and accept the result of the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church and Buddhadhammo Temple.

NOTIFICATION

On February 8, 2011, a ballot packet was mailed to the Property Owners. The packets included a notice to the Property Owner, map of the project area, the NPDES commercial/industrial rate schedule, instructions, ballots, and two postage-paid envelopes for returning the ballots to the City Clerk. (See Attachments 1 and 2.)

Newspaper advertising for the March 22, 2011, Public Meeting and April 12, 2011, Public Hearing was published in The Press-Enterprise on March 3, 2011. Additionally, the Public Hearing notification was published on March 24 and on March 31, 2011.

ATTACHMENTS

- Attachment 1: Southeastern Calif Conf Sev Day Adventist Church mail ballot packet
- Attachment 2: Buddhadhammo Temple 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:
Candace E. Cassel,
Special Districts Division Manager

Concurred by:
Mark Sambito,
Engineering 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 10.11\Zone M NPDES\PA08-0041 (Moreno Hills SDA Church)\Stfrpt PH 04.12.11.doc

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Abel Cordero
c/o Southeastern Calif Conf Sev Day Adventist
26121 Camelot Ave
Loma Linda, CA 92354

February 8, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APN 484-030-015

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal en Español

Introduction

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 property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APN 484-030-015 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Maximum Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate

In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: 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 landscaped medians.

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate

Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

CSD Zone M Charge

The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 484-030-015 is subdivided. The charge levied shall not exceed the charge previously approved by the property owners.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate

For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is \$205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is \$392,575.

CSD Zone M Charge

The CSD Zone M parcel charge for FY 2010/11 is \$1,579.60 for the proposed Alessandro Blvd. median. The total amount of the CSD Zone M charges levied for FY 2010/11 for the program as a whole is \$141,530.98.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge 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.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APN 484-030-015 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M

annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Alessandro Blvd. median occurs. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City/CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, March 22, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, April 12, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk/Secretary of the CSD Board of Directors in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate and the proposed inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if the ballots are marked in favor of the charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval. If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill and noncompliance of the Conditions of Approval shall result.

For More Information

If you have any questions about the proposed programs, the annual charges, or about the mail ballot proceeding 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. at 951.413.3505.

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballots in support of or opposition to the proposed programs and annual charges **by placing a mark in the corresponding box.**
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. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, April 12, 2011**, 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.

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 MAIL BALLOT for
Assessor Parcel Number (APN) 484-030-015**

**National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate**

YES* — as property owner of APN 484-030-015, I approve the NPDES maximum commercial/industrial regulatory rate and services. For fiscal year (FY) 2010/11, the NPDES maximum commercial/industrial regulatory rate is \$205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the 2010/11 Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, 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. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APN 484-030-015, I do not approve the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
484-030-015 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on April 12, 2011, 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 for
ASSESSOR PARCEL NUMBER (APN) 484-030-015**

**Moreno Valley Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)**

YES* — as the property owner of APN 484-030-015 (and any division thereof), I approve the annual CSD Zone M charge of \$1,579.60 for fiscal year (FY) 2010/11. Beginning FY 2011/12, the annual CSD Zone M charge 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. The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Alessandro Blvd. median occurs. The CSD Zone M charge shall be proportionally adjusted if said APN is subdivided.

NO** — as the property owner of APN 484-030-015, I do not approve the CSD Zone M annual parcel charge. I understand that not incorporating said APN into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charge shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
484-030-015 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$1,579.60

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on April 12, 2011, 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

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Moreno Hills SDA Church APN 484-030-015

APN



484030015



Roads



Parcels



City Boundary



Future Median



Landscaped Areas

Map reflects all changes indicated
on Riverside County Assessor Maps
as of February 2, 2011.



G:\AVP\SDA\PA08-0041 Moreno Hills SDA.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.



COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
 Adopted by the City Council on January 10, 2006

LEVEL 1		LEVEL II	
NPDES Administration <i>(Not covered by CSA 152)</i>		Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance	
<p>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.</p> <p>Level I is levied on all parcels conditioned for the NPDES Rate Schedule.</p>		<p>Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.</p>	
<p>Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on 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</p>		<p>Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on 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</p>	
PROPOSED PARCEL RATE	Per Month	Per Year	PROPOSED PARCEL RATE
	\$2.67	\$32.00	\$12.58
			Per Year
			\$151.00

Inflation Factor Adjustments

- FY 2006/2007 - 4.5% = (\$33.00 & \$158.00)
- FY 2007/2008 - 3.1% = (\$34.00 & \$163.00)
- FY 2008/2009 - 4.2% = (\$35.00 & \$170.00)
- FY 2009/2010 - no change = (\$35.00 & \$170.00)
- FY 2010/2011 - no change = (\$35.00 & \$170.00)

Albot Nikom
c/o Buddhahammo Temple
13920 Nason St.
Moreno Valley, CA 92555

February 8, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APN 488-210-014

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal en Español

Introduction

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 property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APN 488-210-014 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate

In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: 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 landscaped medians.

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate

Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

CSD Zone M Charge

The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 488-210-014 is subdivided. The charge levied shall not exceed the charge previously approved by the property owners.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate

For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is \$205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is \$392,575.

CSD Zone M Charge

The CSD Zone M parcel charge for FY 2010/11 is \$1,254.11 for the proposed Nason St. median. The total amount of the CSD Zone M charges levied for FY 2010/11 for the program as a whole is \$141,530.98.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge 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.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APN 488-210-014 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M

annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Nason St. median occurs. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City/CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, March 22, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, April 12, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk/Secretary of the CSD Board of Directors in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate and the proposed inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if the ballots are marked in favor of the charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval. If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill and noncompliance of the Conditions of Approval shall result.

For More Information

If you have any questions about the proposed programs, the annual charges, or about the mail ballot proceeding 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. at 951.413.3505.

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

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4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, April 12, 2011**, 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.

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;



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**OFFICIAL MAIL BALLOT for
ASSESSOR PARCEL NUMBER (APN) 488-210-014**

**Moreno Valley Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)**

YES* — as the property owner of APN 488-210-014 (and any division thereof), I approve the annual CSD Zone M charge of \$1,254.11 for fiscal year (FY) 2010/11. Beginning FY 2011/12, the annual CSD Zone M charge 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. The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Nason St. median occurs. The CSD Zone M charge shall be proportionally adjusted if said APN is subdivided.

NO** — as the property owner of APN 488-210-014, I do not approve the CSD Zone M annual parcel charge. I understand that not incorporating said APN into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charge shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
488-210-014 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$1,254.11

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on April 12, 2011, 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 for
Assessor Parcel Number (APN) 488-210-014**

**National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate**

YES* — as property owner of APN 488-210-014, I approve the NPDES maximum commercial/industrial regulatory rate and services. For fiscal year (FY) 2010/11, the NPDES maximum commercial/industrial regulatory rate is \$205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the 2010/11 Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, 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. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APN 488-210-014, I do not approve the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
488-210-014 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on April 12, 2011, 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

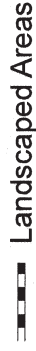
Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

Buddhadhammo Temple

APN 488-210-014

APN 488210014

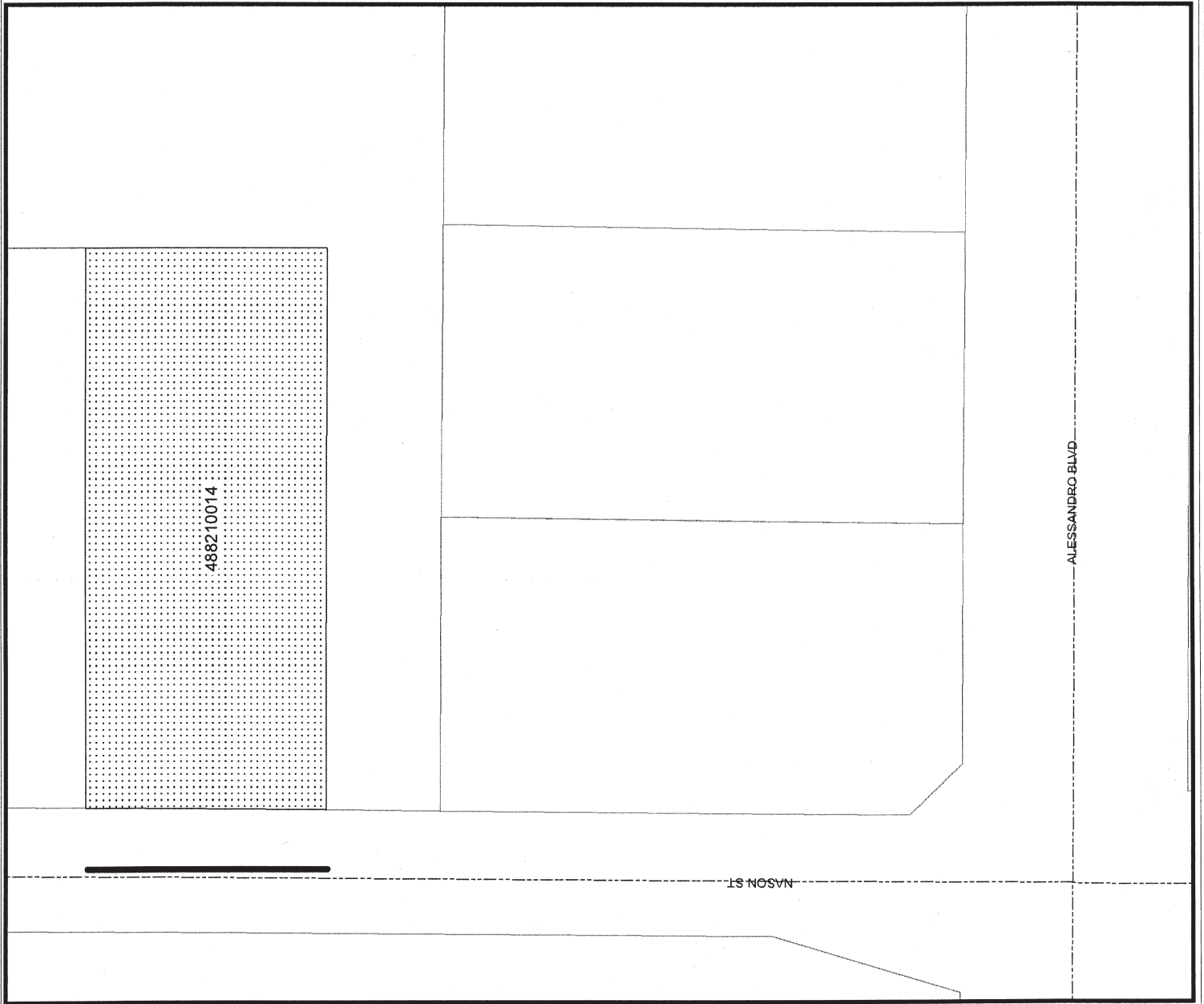


Map reflects all changes indicated on Riverside County Assessor Maps as of February 2, 2011.



G:\AVP\SDA\PA08-0091 Buddhadhammo Temple.mxd

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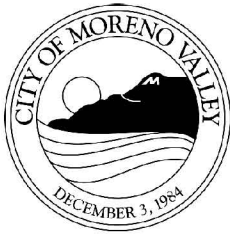


COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
 Adopted by the City Council on January 10, 2006

LEVEL 1		LEVEL II	
NPDES Administration <i>(Not covered by CSA 152)</i>		Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance	
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.	Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.	
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on 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			
PROPOSED PARCEL RATE	Per Month \$2.67	PROPOSED PARCEL RATE	Per Month \$12.58
	Per Year \$32.00		Per Year \$151.00

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = (\$33.00 & \$158.00)
 FY 2007/2008 - 3.1% = (\$34.00 & \$163.00)
 FY 2008/2009 - 4.2% = (\$35.00 & \$170.00)
 FY 2009/2010 - no change = (\$35.00 & \$170.00)
 FY 2010/2011 - no change = (\$35.00 & \$170.00)



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>But</i>
CITY MANAGER	<i>ms</i>

Report to City Council

TO: The Mayor and City Council

FROM: Barry Foster, Economic Development Director

AGENDA DATE: April 12, 2011

TITLE: PUBLIC HEARING REGARDING ISSUANCE OF MULTI-FAMILY HOUSING REVENUE BONDS AND THE ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES OF MULTI-FAMILY HOUSING REVENUE BONDS FOR HEMLOCK FAMILY APARTMENTS

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, at which it will hear and consider information concerning the issuance by the California Statewide Communities Development Authority of multi-family housing revenue bonds to finance the acquisition, construction and development of a 77-unit multi-family rental housing project known as Hemlock Family Apartments.
2. Adopt Resolution 2011-32, pursuant to Section 147(f) of the Internal Revenue Code of 1986 approving the issuance of bonds by the Community Redevelopment Agency of the City of Moreno Valley for Hemlock Family Apartments.

BACKGROUND

On March 8, 2011, the City and Redevelopment Agency Board (Agency) approved a Conditional Commitment Letter Agreement for the Agency, City and Rancho Belago Developers to work towards the development of a 77-unit affordable housing project that will be situated on Hemlock Avenue, just west of Perris Boulevard. The project as proposed by Rancho Belago Developers Inc. subsidiary, MV Hemlock Limited

Partnership, contains 77-units that will be restricted for low and very low income residents.

The approved Agreement provides for financial considerations for the project including:

- Reserving affordable/housing financial assistance for the Agency not to exceed \$6,500,000, conditioned upon the project securing additional financing necessary for the project's completion.
- Reserving a deferred payment (residual receipts) loan from the City's HOME funds, not to exceed \$1,000,000.
- Seeking to issue Multi-family Housing Revenue Bonds not to exceed \$2,000,000.

DISCUSSION

The proposed resolution (see Attachment A) is necessary to insure a public hearing is held prior to considering the resolution and the issuance on the bonds in compliance with federal law. Rancho Belago Developers Inc. and its development subsidiary MV Hemlock LP will pursue the issuance of up to \$20 million in bonds through the California Statewide Communities Development Authority. The bond funding in the amount not to exceed \$20 million will be utilized to help with acquisition, construction and development of the 77-unit Hemlock Family Apartments project. The developer – MV Hemlock LP shall be solely responsible for the repayment of the Housing Revenue Bonds, through the California Statewide Communities Development Authority.

Issuing the bonds will achieve several positive results for the Agency, without it being responsible for repayment. The obligation to repay the bonds and provide the required security will be solely that of the developer - MV Hemlock Limited Partnership, not the Agency. The actual bonds will be issued at a later date upon the developer's securing all of its financing and entitlements.

Affordable Housing Goals

State law (Health and Safety Code Section 33413) requires that the Agency ensure that a portion of the housing developed and rehabilitated in the redevelopment area is available with affordable housing opportunities to low and moderate income households. The Hemlock Family Apartments Project would provide 77-units of affordable housing with covenants for 55 years. Because the project is situated within the redevelopment area, the Agency would get full credit for the affordable housing units created. Thus, 77-units would be credited toward the Agency's State-mandated affordable housing requirements. The project and its apartment units would also be applied toward the Agency's goal to assist in the development of affordable housing units identified in the adopted RDA Implementation.

ALTERNATIVES

1. Hold the public hearing and adopt Resolution 2011-32 to allow **the issuance of bonds by the California Statewide Communities Development Authority for the**

Hemlock Family Apartments. *Staff recommends this alternative because it will assist in the viability of the project and the development of additional affordable housing opportunities.*

2. Decline to hold the public hearing and adopt Resolution 2011-32. *Staff does not recommend this alternative because not to holding the public hearing and adopt the resolution could prevent this affordable project from happening.*

FISCAL IMPACT

Approval of **Attachment A** will allow the issuance of Multi-family Housing Revenue Bonds in an amount not to exceed \$20 million. This action will have no impact on the financial viability of the Agency. The obligation to repay the bonds and provide the required security will be that of MV Hemlock Limited Partnership not the Agency. The issuance of the bonds and the contemplated financial assistance to this project has no impact on the City’s General Fund.

SUMMARY

The Board of Directors of the Agency previously approved agreements with commitments funding resolutions to provide financial assistance conditioned upon the Hemlock Family Apartment Project securing additional financing necessary for the project’s completion. This public hearing and resolution are necessary to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended for issuance of tax-exempt multi-family housing bonds.

NOTIFICATION

Notice of a public hearing with respect to the proposed issuance of the Bonds was published in a newspaper of general circulation in the City on March 27, 2011.

ATTACHMENTS/EXHIBITS

Attachment A - Resolution No. 2011-32

 Department Head Approval
 Barry Foster
 Community & Economic Development Director

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

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RESOLUTION NO. 2011-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF MULTIFAMILY HOUSING REVENUE BONDS FOR THE HEMLOCK FAMILY APARTMENTS

WHEREAS, the California Statewide Communities Development Authority (the "Authority") is authorized pursuant to the provisions of California Government Code Section 6500 et seq. and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies throughout the State of California, including the City of Moreno Valley (the "City"), to issue revenue bonds in accordance with Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code for the purpose of financing multifamily rental housing projects; and

WHEREAS, MV Hemlock, L.P., a limited partnership or related entities, has requested that the Authority adopt a plan of financing providing for the issuance of multifamily housing revenue bonds (the "Bonds") in one or more series issued from time to time, including bonds issued to refund such revenue bonds in one or more series from time to time, and at no time to exceed \$20,000,000 in outstanding aggregate principal amount, to finance the acquisition, construction and development of a 77-unit multifamily rental housing project located at Hemlock Avenue, west of Perris Blvd (APN# 481-322-045), Moreno Valley, California, generally known as Hemlock Family Apartments (the "Project") and operated by AWI Management Corp.; and

WHEREAS, the Bonds or a portion thereof will be "private activity bonds" for purposes of the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, private activity bonds are required to be approved by the "applicable elected representative" of the governmental units on whose behalf such bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of this City Council (this "City Council") are the applicable elected representatives of the City; and

WHEREAS, there has been published, at least 14 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on a date specified in such notice; and

WHEREAS, such public hearing was conducted on April 12, 2011, at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, the Authority is also requesting that the City Council approve the issuance of any refunding bonds hereafter issued by the Authority for the purpose of refinancing the Bonds which financed the Project (the "Refunding Bonds"), but only in such cases where federal tax laws would not require additional consideration or approval by the City Council; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds required by Section 147(f) of the Code and Section 9 of the Agreement;

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

Section 1. The above recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds and the Refunding Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitute approval of the Bonds for the purposes of (a) Section 147(f) of the Code and (b) Section 9 of the Agreement.

Section 3. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

Section 4. The City Clerk shall forward a certified copy of this Resolution and a copy of the affidavit of publication of the hearing notice to:

Justin Cooper, Esq.
Orrick, Herrington & Sutcliffe LLP
405 Howard Street
San Francisco, California 94105

Section 5. This resolution shall take effect immediately upon its passage.

APPROVED AND ADOPTED this _____ day of _____, 2011.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the ____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

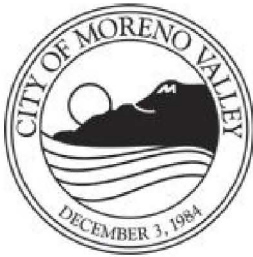
CITY CLERK

(SEAL)

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

- a. Mayor Richard A. Stewart report on
March Joint Powers Commission (MJPC)**

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>Rat</i>
CITY MANAGER	<i>ms</i>

Report to City Council

TO: Mayor and City Council and the City Council Acting in their Capacity as the 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: April 12, 2011

TITLE: PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS FOR POZGAJ FRANK & MARIA FAMILY TRUST—APN 486-240-009 BALLOTING FOR NPDES AND CSD ZONE M AND RIDGE MORENO VALLEY—APNS 297-170-005 AND 297-170-066 BALLOTING FOR NPDES

RECOMMENDED ACTION

1. Staff recommends that the Mayor and City Council accept public comments regarding the mail ballot proceedings for Pozgaj Frank & Maria Family Trust—Assessor Parcel Number (APN) 486-240-009 and Ridge Moreno Valley—APNs 297-170-005 and 297-170-066 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial 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 Pozgaj Frank & Maria Family Trust—APN 486-240-009 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

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, and 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 costs of special services to those parcels receiving the benefit. The City's Arterial Median Maintenance Policy, adopted by the CSD February 2003 and subsequently amended January 2006, requires that certain commercial, industrial and multifamily developments be conditioned to fund the maintenance of arterial medians.

The Pozgaj Frank & Maria Family Trust (APN 486-240-009) and Ridge Moreno Valley (APNs 297-170-005 and 297-170-066), (collectively "Property Owners"), have Conditions of Approval that require them to provide a funding source to help support the Stormwater Management program. Additionally, Pozgaj Frank & Maria Family Trust was conditioned to help support the CSD median program specific to this project, Zone M. Approving the NPDES maximum commercial/industrial regulatory rate and the CSD Zone M annual charge through a mail ballot proceeding shall fulfill these requirements.

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, a mail ballot proceeding is being conducted to give the Property Owners the option to approve or oppose the NPDES maximum commercial/industrial regulatory rate and the annual charge for the CSD Zone M program. Property Owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on April 12, 2011 and the Public Hearing on April 26, 2011, 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 annually inspect site design, source and treatment control Best Management Practices, monitor maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. Provided the mail ballots are approved, the City will also be authorized to levy the NPDES maximum commercial/industrial regulatory rate on the annual property tax bill or as a monthly charge on a utility bill.

Special Districts, a division of the Public Works Department, manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. Landscape maintenance includes, but is not limited to 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 landscaped medians. The CSD Zone M annual charge is levied on the property tax bill.

The CSD Zone M annual charge for APN 486-240-009 was estimated based on the proposed fully improved Alessandro Blvd. and Moreno Beach Dr. medians adjacent to the parcels. The annual charge shall not be levied until such time as the planning of the medians begins. Upon future development, parcels adjacent to the proposed medians shall be conditioned to provide a funding source for the annual maintenance. At which point, the annual charge for APN 486-240-009 shall be proportionally adjusted.

ALTERNATIVES

1. **Accept public comments** regarding the mail ballot proceedings for 1) Pozgaj Frank & Maria Family Trust for approval of the NPDES Maximum Commercial/Industrial Regulatory Rate and inclusion into and approval of the annual charge for CSD Zone M and 2) Ridge Moreno Valley for approval of approval of the NPDES Maximum Commercial/Industrial Regulatory Rate. *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 proceedings for 1) Pozgaj Frank & Maria Family Trust for approval of the NPDES Maximum Commercial/Industrial Regulatory Rate and inclusion into and approval of the annual charge for CSD Zone M and 2) Ridge Moreno Valley for approval of approval of the NPDES Maximum Commercial/Industrial Regulatory Rate. *This alternative would be contrary to state statutes and would require the noticing period for the mail ballot proceedings to begin again.*

FISCAL IMPACT

For fiscal year (FY) 2010/11, the NPDES annual regulatory rate and estimated CSD Zone M charge for Pozgaj Frank & Maria Family Trust and Ridge Moreno Valley are as follows:

Project	NPDES Maximum Commercial/Industrial Rate	CSD Zone M Annual Charge
Pozgaj Frank & Maria Family Trust APN 486-240-009 (and any division thereof)	\$205 per parcel	\$9,830.39
Ridge Moreno Valley APN 297-170-005 (and any division thereof) APN 297-170-066 (and any division thereof)	\$205 per parcel \$205 per parcel	N/A N/A

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge 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.

The NPDES rates collected from property owners support the current Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds

collected from the NPDES rates are restricted for use only within the Stormwater Management program.

The CSD Zone M annual charge, paid by the adjacent new developments, provides the necessary funding for the maintenance of newly constructed medians within the CSD. Pozgaj Frank & Maria Family Trust is being balloted for maintenance costs of future medians that are planned to be constructed. The amount collected will reduce the General Fund obligation for maintenance for those medians. **The collection of the CSD Zone M annual charge is restricted for use for the maintenance and administration of the improved medians within the CSD Zone M program.**

CITY COUNCIL GOALS

Advocacy

Management of the stormwater will ensure that water pollutants are discharged in compliance with federal mandates and City policies.

Community Image, Neighborhood Pride, and Cleanliness

The Zone M program allows the CSD an opportunity to enhance the appearance of newly developed areas within the City.

Revenue Diversification and Preservation

The CSD Zone M annual charge and the NPDES maximum commercial/industrial regulatory rate provide 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 proceedings for Pozgaj Frank & Maria Family Trust and Ridge Moreno Valley.

NOTIFICATION

On February 28, 2011, a ballot packet was mailed to the Property Owners. The packets included a notice to the property owner, map of the project area, the NPDES commercial/industrial rate schedule, instructions, ballot(s), and postage-paid envelopes for returning the ballot(s) to the City Clerk. (See Attachments 1 and 2.)

Newspaper advertising for the April 12, 2011, Public Meeting and April 26, 2011, Public Hearing was published in The Press-Enterprise on March 24, 2011. Additionally, the Public Hearing notification was published on April 7 and will be published again on April 14, 2011.

ATTACHMENTS

Attachment 1: Pozgaj Frank & Maria Family Trust mail ballot packet
Attachment 2: Ridge Moreno Valley 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:
Candace E. Cassel,
Special Districts Division Manager

Concurred by:
Mark Sambito,
Engineering 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 10.11\Zone M NPDES\PA09-0043 (POZGAJ FRANK & MARIA FAMILY TRUST)\Stfrpt PM 04.12.11.doc

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Pozgaj Frank & Maria Family Trust
10 Collegiate Cir
Rancho Mirage, CA 92270

February 28, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APN 486-240-009

***** OFFICIAL BALLOT ENCLOSED *****

Llame al 951.413.3480 para obtener información verbal en Español

Introduction

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 property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APN 486-240-009 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

ATTACHMENT 1

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate

In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: 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 landscaped medians.

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate

Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

CSD Zone M Charge

The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 486-240-009 is subdivided. The charge levied shall not exceed the charge previously approved by the property owners.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate

For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is \$205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is \$392,575.

CSD Zone M Charge

The CSD Zone M parcel charge for FY 2010/11 for the proposed Alessandro Blvd. median is \$3,089.55 and \$6,740.84 for the proposed Moreno Beach Dr. median. The total amount of the CSD Zone M charges levied for FY 2010/11 for the program as a whole is \$141,530.98.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge 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.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APN 486-240-009 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M

annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Alessandro Blvd. and/or Moreno Beach Dr. medians occur. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City/CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, April 12, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, April 26, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk/Secretary of the CSD Board of Directors in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate and the proposed inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if the ballots are marked in favor of the charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval. If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill and noncompliance of the Conditions of Approval shall result.

For More Information

If you have any questions about the proposed programs, the annual charges, or about the mail ballot proceeding 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. at 951.413.3505.

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballots in support of or opposition to the proposed programs and annual charges **by placing a mark in the corresponding box.**
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. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, April 26, 2011**, 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.

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 MAIL BALLOT for
ASSESSOR PARCEL NUMBER (APN) 486-240-009**

**Moreno Valley Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)**

YES* — as the property owner of APN 486-240-009 (and any division thereof), **I approve** the annual CSD Zone M charge for FY 2010/11 for the proposed Alessandro Blvd. median of \$3,089.55 and \$6,740.84 for the proposed Moreno Beach Dr. median. Beginning FY 2011/12, the annual CSD Zone M charge 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. The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Alessandro Blvd. and/or Moreno Beach Dr. medians occur. The CSD Zone M charge shall be proportionally adjusted if said APN is subdivided.

NO** — as the property owner of APN 486-240-009, **I do not approve** the CSD Zone M annual parcel charge. I understand that not incorporating said APN into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charge shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
486-240-009 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$9,830.39

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on April 26, 2011, 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 for
Assessor Parcel Number (APN) 486-240-009**

**National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate**

YES* — as property owner of APN 486-240-009, I approve the NPDES maximum commercial/industrial regulatory rate and services. For fiscal year (FY) 2010/11, the NPDES maximum commercial/industrial regulatory rate is \$205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the 2010/11 Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, 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. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APN 486-240-009, I do not approve the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
486-240-009 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on April 26, 2011, 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

TPM 36262

APN 486-240-009

APN



486240009



Roads



Parcels



City Boundary

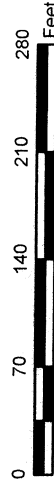


Future Median



Landscaped Areas

Map reflects all changes indicated on Riverside County Assessor Maps as of February 22, 2011.

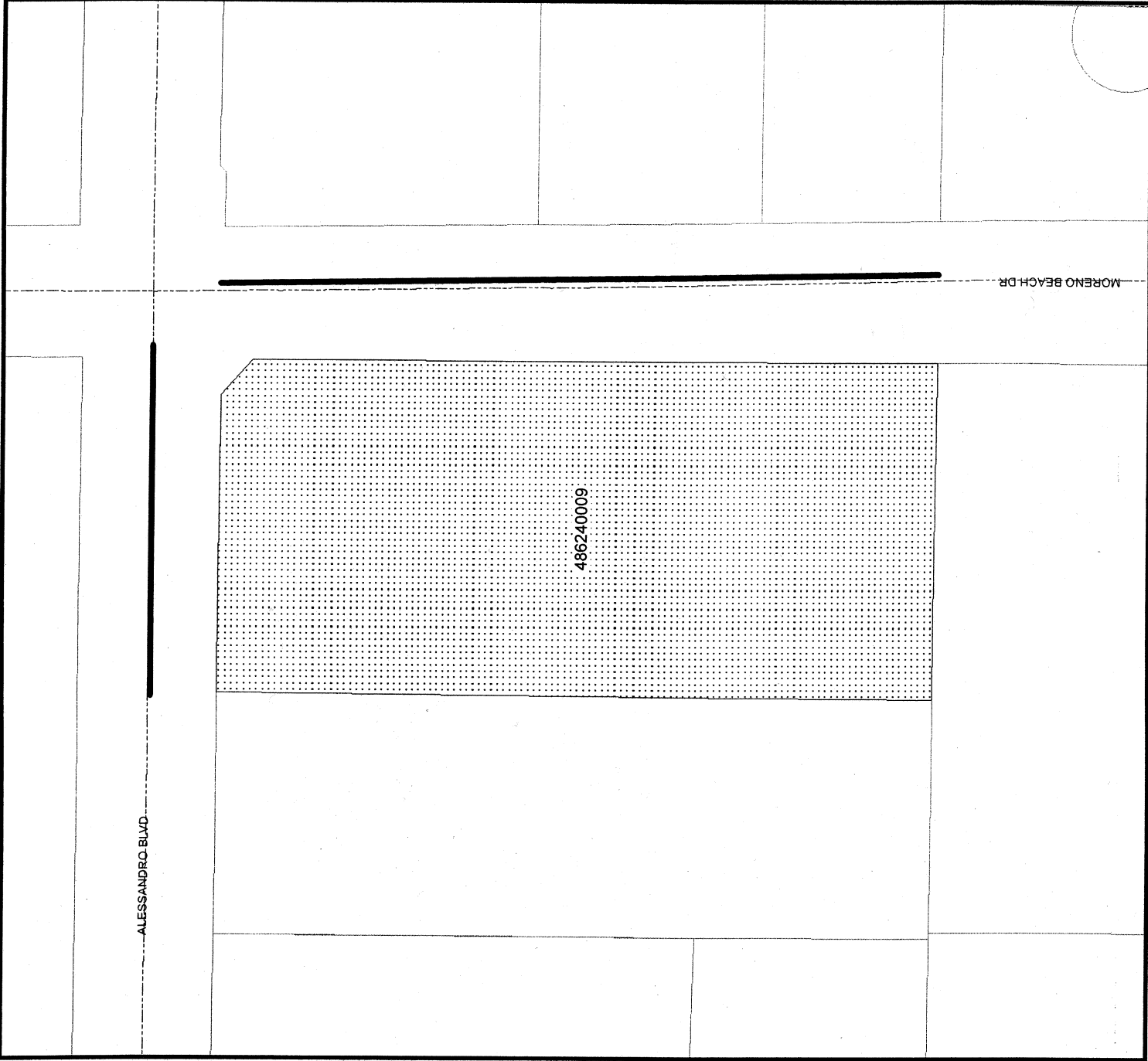


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MORENO VALLEY
WHERE DREAMS SOAR



COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
 Adopted by the City Council on January 10, 2006

LEVEL 1		LEVEL II	
NPDES Administration <i>(Not covered by CSA 152)</i>		Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance	
<p>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.</p> <p>Level I is levied on all parcels conditioned for the NPDES Rate Schedule.</p>		<p>Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.</p>	
<p>Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on 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</p>			
PROPOSED PARCEL RATE	Per Month	Per Year	PROPOSED PARCEL RATE
	\$2.67	\$32.00	Per Month \$12.58 Per Year \$151.00

Inflation Factor Adjustments

- FY 2006/2007 - 4.5% = (\$33.00 & \$158.00)
- FY 2007/2008 - 3.1% = (\$34.00 & \$163.00)
- FY 2008/2009 - 4.2% = (\$35.00 & \$170.00)
- FY 2009/2010 - no change = (\$35.00 & \$170.00)
- FY 2010/2011 - no change = (\$35.00 & \$170.00)

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

Ridge Moreno Valley
Attn: Dennis Rice
201 Covina Ave, Suite 8
Long Beach, CA 90803

February 28, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE FOR APNS 297-170-005 AND 297-170-066

***** OFFICIAL BALLOT ENCLOSED *****
Llame al 951.413.3480 para obtener información verbal en Español

Introduction

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 property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APNs 297-170-005 and 297-170-066 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services.

Background

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

Services Provided

In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

How is the Amount of the Charge Determined?

Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

ATTACHMENT 2

Proposed Charge

For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is \$205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is \$392,575.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial 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.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APNs 297-170-005 and 297-170-066 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The NPDES Maximum Commercial/Industrial regulatory rate will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

<u>Public Meeting</u>	<u>Public Hearing</u>
Tuesday, April 12, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, April 26, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate will be confirmed if the ballot is marked in favor of the charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval.

For More Information

If you have any questions about the proposed program, the annual charge, or about the mail ballot proceeding 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. at 951.413.3505.

Completing Your Ballot

Property owner may submit the enclosed ballot to the City Clerk in support of or opposition to the proposed program and annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballot are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed program and 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, April 26, 2011**, 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.

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 MAIL BALLOT for
Assessor Parcel Numbers (APNs) 297-170-005 and 297-170-066**

**National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate**

YES* — as property owner of APNs 297-170-005 and 297-170-066, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. For fiscal year (FY) 2010/11, the NPDES maximum commercial/industrial regulatory rate is \$205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the 2010/11 Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, 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. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APNs 297-170-005 and 297-170-066, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
APN 297-170-005 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$205 per parcel
APN 297-170-066 (and any division thereof)	<input type="checkbox"/>	<input type="checkbox"/>	\$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on April 26, 2011, 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






COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
 Adopted by the City Council on January 10, 2006

LEVEL 1	LEVEL II
NPDES Administration (Not covered by CSA 152)	Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance
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.	Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on 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	
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Per Month \$2.67	Per Month \$12.58
Per Year \$32.00	Per Year \$151.00

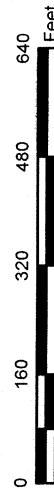
Inflation Factor Adjustments

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Ridge Moreno Valley APNs 297-170-005 and 297-170-066

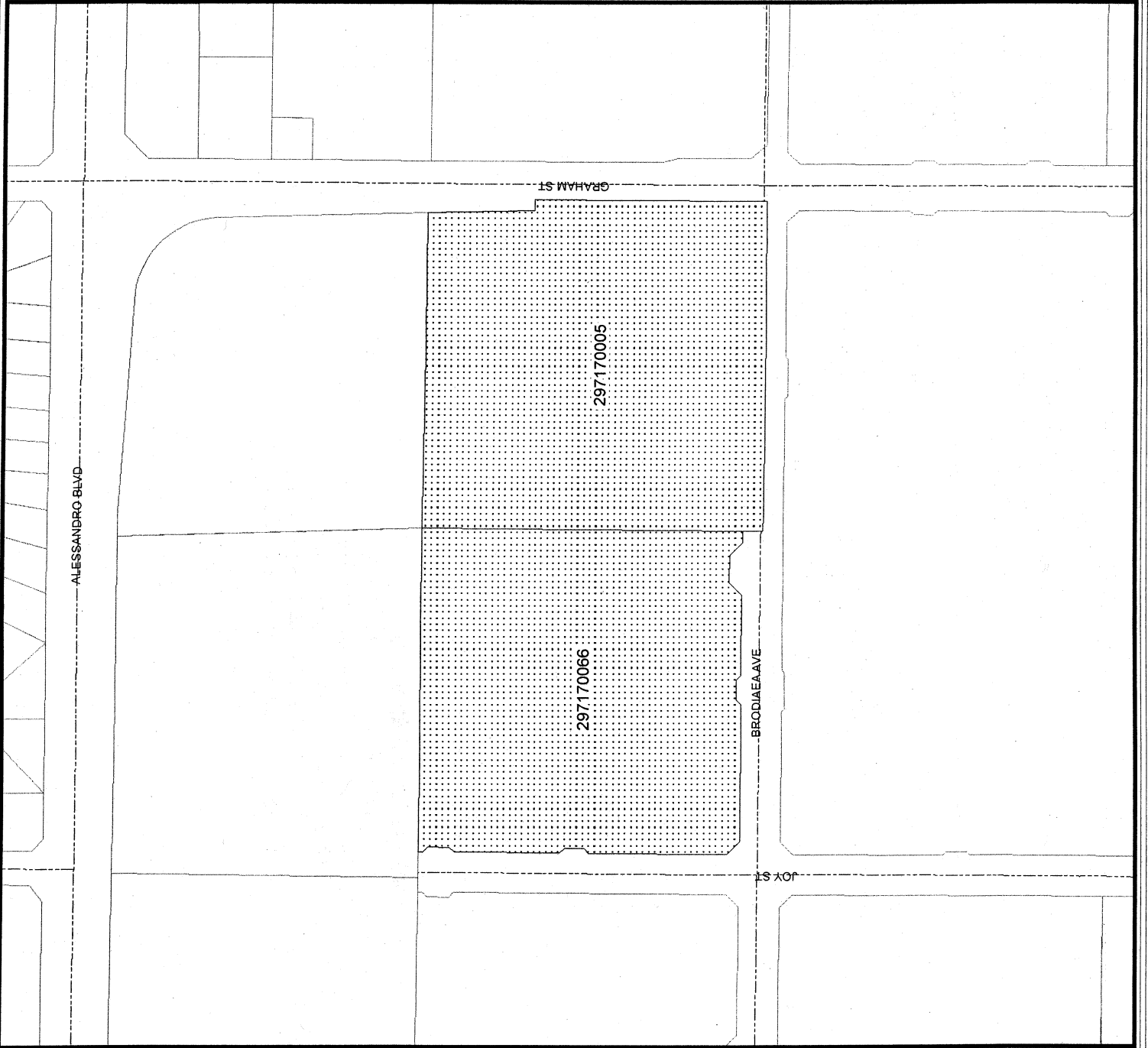
- APN**
-  297170005
 -  297170066
 -  Roads
 -  Parcels
 -  City Boundary

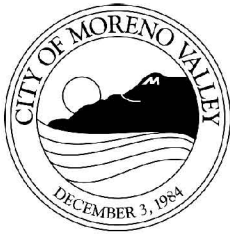
Map reflects all changes indicated on Riverside County Assessor Maps as of February 23, 2011.



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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RAH</i>
CITY MANAGER	<i>ms</i>

Report to City Council

TO: Mayor and City Council

FROM: Henry Garcia, City Manager

AGENDA DATE: April 12, 2011

TITLE: APPROVE THE THREE-YEAR DEFICIT ELIMINATION PLAN FOR FISCAL YEARS 2011/12 - 2013/14 AND DIRECT STAFF TO IMPLEMENT THE FIRST TWO YEARS OF THE PLAN IN A TWO-YEAR BUDGET FOR FISCAL YEARS 2011/12 AND 2012/13

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Three-Year Deficit Elimination Plan for Fiscal Years 2011/12 through 2013/14; and
2. Direct staff to incorporate the first two years of the plan in a proposed two-year budget for Fiscal Years 2011/12 and 2012/13 for Council consideration.

BACKGROUND

The City of Moreno Valley continues to reel from the impacts of the Great Recession, the worst economic crisis since the Great Depression 80 years ago. City operations rely on revenues that are generated through economic stability, activity, and, ideally, growth. During the recession, the City's General Fund revenue base declined from a high of \$97.8 million budgeted in FY 07/08 to a low of \$68.0 million in FY 10/11, representing a reduction of \$29.8 million or 30.4% in just three years.

City staff is projecting an ongoing expenditure budget of approximately \$84 million for FY 11/12, while revenues are projected to grow from the current low point of \$68 million to \$70 million in the General Fund. While we initially started our deficit elimination process with a working projection of a \$15.4 million structural deficit in the General Fund, this \$2 million growth in revenue reduces the structural deficit to \$14 million. The City is seeing the effects of the end of the recession in the form of stable and slightly

growing revenues. This stabilization of the City's revenue base now provides an opportunity to focus on aligning the City's General Fund expenditures to the stable, albeit lower, revenue base.

DISCUSSION

The economic recovery has begun, but it is the consensus of regional and national economists that the recovery will be slow and gradual. The Deficit Elimination Plan (DEP) presented focuses primarily on bringing the City's budget into balance by reducing expenditures, since this is the area where the City Council has the greatest control. However, I believe it is important to maintain an aggressive focus on increasing the City's revenue base from every angle possible to minimize reductions in programs and services. With a stronger revenue base, as the recovery begins to pick up steam within the next few years, the City will be able to restore and enhance valuable services.

The City's Executive Management Team has devoted significant effort to identify every possible cost reduction. The City's expenditure budget just three years ago was at a peak of \$97.8 million. Since FY 2007/08, General Fund budgeted expenses have been reduced by \$14 million, including the elimination of 70 positions in the General Fund representing 25% of the work force (a total of 124 positions have been eliminated overall). We need to continue reductions at this same rate, lowering expenditures by another \$14 million over the next three years. The proposed DEP eliminates a total of 46 positions (32 are General Fund supported), of which 41 are filled. The choices that the City Council will be presented in this Deficit Elimination Plan will be very difficult to make, as many of the proposed cuts and reductions included in the Deficit Elimination Plan will impact programs and service levels. Unfortunately, there are few alternatives to reducing \$14 million in expenditures without impacting important services. Our challenge is to maintain core services with an emphasis on retaining as much public safety services as financially possible.

The net result of the Deficit Elimination Plan is to bring the revenues and expenses nearly into balance by the third year of the plan. The most critical aspects are the reductions in the first two years. These make very significant progress in bringing expenditures in line with the stable revenue base. I look forward to engaging the City Council in the discussion, review and identification of possible options and alternatives the Council may have, with an emphasis on meeting the budget reduction goals within the timeframe of the plan. I am recommending that the City Council approve the plan as a framework for balancing the budget over a three fiscal year period, and direct staff to include the first two years of the plan into a two-year proposed budget for the City for Fiscal Years 11/12 and 12/13. The third year of the plan comes just short of reaching the final cuts necessary to get the budget into balance, based on today's estimates. I propose that these reductions be reviewed and discussed as options, and be revisited in 12 months. At that time staff will have better information on the strength of the economic recovery and the actual extent of further expenditure reductions that may be needed to complete the budget balancing challenge.

Staff from the City Manager's Office and the Financial and Administrative Services Department has met with each Council Member on two separate occasions to review the details of the proposed Deficit Elimination Plan. The deficit reduction options for the Fire and Police Departments were reviewed by the Public Safety Subcommittee at their March 23 meeting, and the Council's Finance Subcommittee reviewed the proposal at their March 23 meeting. Three City employee meetings were held on March 17 to discuss the City's fiscal situation and the Deficit Elimination Plan, and a public information meeting was conducted on March 23 to provide information to the City's residents as well as gather public input on the proposed budget reductions. A special City Council Study Session was held on March 29 specifically to discuss the Deficit Elimination Plan and follow up meetings with each Council Member were scheduled to provide staff with additional expenditure reduction and revenue enhancement ideas. These ideas, as well as any requested follow up information regarding the proposed deficit reduction options, will be discussed at the April 12 Council meeting.

ALTERNATIVES

Staff recommends that the City Council approve the Proposed Three-Year Deficit Elimination Plan with the following alternatives:

1. Approve the proposed Three-Year Deficit Elimination Plan, with any Council directed modifications, and direct staff to incorporate the first two years of the plan into a two-year budget for Fiscal Years 2011/12 and 2012/13 to be presented to Council for review and approval prior to June 15, 2011.
2. Provide staff direction to pursue a different approach to eliminating the City's ongoing structural budget deficit.

FISCAL IMPACT

Based on the current status of the General Fund "fund balance" and the cost pressures of rising CalPERS and Public Safety contract cost increases, it is imperative that the City Council and City Staff address the current \$14 million structural deficit in a timely manner. Not addressing the deficit within the framework presented will result in fund balance reaching an extremely low level after two years and will likely result in a "going concern" comment by the auditors, raising the concern of the City's fiscal insolvency.

In consideration of these facts, staff has presented the deficit elimination framework with potential reductions to virtually eliminate the deficit in a three year period. Staff strongly encourages City Council to adopt a plan that reduces expenses within the structure of this framework to balance the City's budget within a three year period.

In addition, with the stabilization of revenues, staff is recommending adopting the first two years of the plan in the form of a two year budget. This will allow staff and the Council to focus on implementing the approved reductions. Staff will return with updated

revenue projections on a quarterly basis. Any increases in revenues above a 3% level will allow the City to reduce some of the reductions in the third year of the plan.

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.

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.

Positive Environment

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

SUMMARY

The goal of this plan is to eliminate the structural deficit over the next three years, focusing on aligning ongoing expenses with the projected revenue stream. Using the proposed combination of significantly reduced expenditures with the strategic use of available reserves, staff believes the implementation of the Three-Year Deficit Elimination Plan will result in a balanced budget by June 2014. Upon receiving City Council approval, staff will apply the approved budget reductions identified in the first two years of the plan to the proposed two-year base budget covering Fiscal Years 11/12 and 12/13. Council approval of the Three-Year Deficit Elimination Plan will mitigate the need to revisit and recreate a new deficit reduction plan every year. Reductions identified in year three of the plan will be revisited in 12 months when we have further information on the strength of the economic recovery. To that end, the City Council, City Manager's Office, Community and Economic Development Department, Public Works Department, and related staff are focusing tremendous effort to achieve significant economic development and job creation within our City. Making Moreno Valley the place to do business is our objective and the catalyst to full economic recovery for our community.

NOTIFICATION

Publication of the agenda

ATTACHMENTS/EXHIBITS

Exhibit A – Three Year Deficit Elimination Plan

Prepared By:
Richard Teichert
Financial and Administrative Services Director

Department Head Approval:
Henry Garcia
City Manager

Concurred By:
Michelle Dawson
Acting Assistant City Manager

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

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DEFICIT ELIMINATION PLAN



Fiscal Years 2011/12 - 2013/14

DEFICIT ELIMINATION PLAN



Fiscal Year
2011/12-
2013/14

CITY COUNCIL
Richard A. Stewart
Mayor

Jesse L. Molina
Mayor Pro Tem

William H. Batey II
Council Member

Marcelo Co
Council Member

Robin N. Hastings
Council Member

ADMINISTRATION
Henry Garcia
City Manager

Richard Teichert
Financial & Administrative
Services Director



Prepared by the
**Financial &
Administrative Services
Department**

14177 Frederick Street
Moreno Valley, CA
92552-0805
951.413.3088



DEFICIT ELIMINATION PLAN

Fiscal Years 2011/12-2013/14

To: Honorable Mayor, Members of the City Council and Citizens of Moreno Valley

Message from the City Manager

The City of Moreno Valley continues to reel from the impacts of the Great Recession, the worst economic crisis since the Great Depression 80 years ago. City operations rely on revenues that are generated through economic stability, activity, and, ideally, growth. During the recession, the City's General Fund revenue base declined from a high of \$97.8 million budgeted in FY 07/08 to a low of \$68.0 million in FY 10-11, representing a reduction of \$29.8 million or 30.4% in just three years.

The encouraging news is that the recession has been declared over, having experienced several quarters of positive economic growth. The City is seeing the effects of the end of the recession in the form of stable and slightly growing revenues. This stabilization of the City's revenue base now provides an opportunity to focus on aligning the City's General Fund expenditures to the stable, albeit lower, revenue base.

City staff is projecting an ongoing expenditure budget of approximately \$84 million for FY 11-12, while revenues are projected to grow from the current low point of \$68 million to \$70 million in the General Fund. While we initially started our deficit elimination process with a working projection of a \$15.4 million structural deficit in the General Fund, this \$2 million growth in revenue reduces the structural deficit to \$14 million.

The economic recovery has begun, but it is the consensus of regional and national economists that the recovery will be slow and gradual. The Deficit Elimination Plan (DEP) presented focuses primarily on bringing the City's budget into balance by reducing expenditures, since this is the area where the City Council has the greatest control. However, I believe it is important to maintain an aggressive focus on increasing the City's revenue base from every angle possible to minimize reductions in programs and services. With a stronger revenue base, as the recovery begins to pick up steam within the next few years the City will be able to restore and enhance valuable services.

The City's Executive Management Team has devoted significant effort to identify every possible cost reduction. The City's expenditure budget just three years ago was at a peak of \$97.8 million. Since FY 2007-08, General Fund budgeted expenses have been reduced by \$14 million, including the elimination of 70 positions in the General Fund representing 25% of the work force (a total of 124 positions have been eliminated overall). We need to continue reductions at this same rate, lowering expenditures by

another \$14 million over the next three years. The proposed DEP eliminates a total of 46 positions (32 are General Fund supported), of which 41 are filled. The choices that the City Council will be presented in this Deficit Elimination Plan will be very difficult to make, as many of the proposed cuts and reductions included in the Deficit Elimination Plan will impact programs and service levels. Unfortunately, there are few alternatives to reducing \$14 million in expenditures without impacting important services. Our challenge is to maintain core services with an emphasis on retaining as much public safety services as financially possible.

The net result of the Deficit Elimination Plan is to bring the revenues and expenses nearly into balance by the third year of the plan. The most critical aspects are the reductions in the first two years. These make very significant progress in bringing expenditures in line with the stable revenue base. I look forward to engaging the City Council in the discussion, review and identification of possible options and alternatives the Council may have, with an emphasis on meeting the budget reduction goals within the timeframe of the plan. I am recommending that the City Council approve the plan as a framework for balancing the budget over a three fiscal year period, and direct staff to include the first two years of the plan into a two-year proposed budget for the City for Fiscal Years 11-12 and 12-13. The third year of the plan comes just short of reaching the final cuts necessary to get the budget into balance, based on today's estimates. I propose that these reductions be reviewed and discussed as options, and be revisited in 12 months. At that time staff will have better information on the strength of the economic recovery and the actual extent of further expenditure reductions that may be needed to complete the budget balancing challenge.

The rest of this document includes pertinent information from the Financial and Administrative Services Director, including a summary of the recessionary impacts to the City's General Fund Budget and the cost pressures that will continue to challenge the City well into the future. The final section of this plan will present summary information of staff's proposals that constitute the Deficit Elimination Plan, which is primarily focused on expenditure and program reductions but also includes several revenue increase proposals.

I thank the City's Executive Management Team and dedicated staff for working very diligently toward meeting the reduction goals. I look forward to discussing these options with the Council to set the vision and future for the City, which will include a strong focus on new revenue generation in addition to the expenditure reductions presented here.

Henry T. Garcia
City Manager



DEFICIT ELIMINATION PLAN

Fiscal Years 2011/12-2013/14

Message from the Financial and Administrative Services Director

Background on the General Fund Deficit

Simply put, the \$14 million General Fund deficit is the result of a significant shortfall in revenues. The last time that the City's expenditure budget was in balance with the revenue budget was in FY 07/08. City revenues began a rapid decline over the following three years, resulting in operating deficits that were addressed with aggressive cost cutting, the return of General Fund subsidies previously made to other funds, and the use of reserves. Even after reducing expenditures by nearly 30% over the past three years, including a 25% reduction in the City's work force, our projected revenue of \$70 million falls far short of the \$84 million General Fund expenditure budget.

While the good news is that revenues have essentially "bottomed out" and are in fact rebounding, the revenues are not projected to improve anywhere near the pace required to meet our current spending levels. The City cannot continue to operate long term with what is in fact a structural deficit in the General Fund. Prior years' Deficit Reduction Plans have assisted in reducing expenditures while maintaining minimal impacts to services and programs to our residents. Staff is now presenting a 3-year Deficit Elimination Plan which we believe will ultimately cure the structural deficit, but only after significant, hopefully temporary, reductions in service levels which unfortunately will impact our community.

Key Long Term Cost Pressures

There are several key areas that need to be noted because they result in significant ongoing cost increases and budget liabilities, regardless of an economic recovery in the City. These include the following:

- Funding the retirement system;
- Unfunded liability for Retiree Medical benefits;
- Unfunded liability for compensated absences (vacation and paid leave time);
- Annual increases in public safety services contracts without corresponding service level increases;
- Bond Rating Agency monitoring of the City's financial condition;
- Declining fund balances in the General Fund;
- Increased demands on the General Fund to support additional services, such as subsidizing streetlighting costs;
- Slow growth in the City's major revenue sources

The existence of these key factors in the City's immediate future create the pressure to quickly and decisively deal with the current General Fund structural deficit. When the City successfully closes the budget gap over the proposed three year period, it will be in a stronger position to address and manage the key impact areas addressed in this section of the report. If the structural deficit is not adequately addressed per the proposed Deficit Elimination Plan, the factors summarized below will erode the City's financial position, require deeper reductions, and make it difficult if not impossible to take advantage of anticipated development opportunities in the near future.

Funding the Retirement System

The City has seen a rapid increase in the PERS retirement accrued liability from \$28 million in 2002 to \$109 million in 2009, a 283% increase in a seven-year period. The value of the assets funding the retirement liability has grown at a slower rate, increasing to \$78 million or 155% over the same seven year period. The result is a decrease in the Funded Ratio from 106% funded in 2002 to just 71% funded in 2009.

This rapid increase in the retirement liability was fueled by increases in staffing and normal increases in pay rates. The retirement liability also increased in FY 2006/07 when the benefit formula was revised from 2% at 55 to 2.7% at 55. The liability took another large jump in June 2009 reflecting significant changes in PERS actuarial assumptions and the first early retirement ("golden handshake") impact. There will be an increase in the 2010 accrued liability due to the second early retirement incentive offered in December 2009.

Table of PERS Retirement Actuarial Data for the City of Moreno Valley

Valuation Date	Accrued Liability	Actuarial Value of Assets (AVA)	Unfunded Liability AVA	Funded Ratio AVA	Funded Ratio MVA	Annual Covered Payroll
6/30/2002	28,597,500	30,564,460	(1,966,960)	106.9%	N/A	14,313,573
6/30/2003	35,236,196	32,434,425	2,801,771	92.0%	83.7%	16,033,586
6/30/2004	41,276,067	36,098,898	5,177,169	87.5%	86.0%	17,552,133
6/30/2005	52,487,232	41,214,897	11,272,335	78.5%	80.4%	19,082,187
6/30/2006	61,187,066	47,837,803	13,349,263	78.2%	82.1%	22,018,967
6/30/2007 *	75,316,003	58,733,315	16,582,688	78.0%	88.2%	26,023,541
6/30/2008	90,939,749	69,197,682	21,742,067	76.1%	75.6%	30,739,388
6/30/2009 **	109,758,482	78,175,287	31,583,195	71.2%	52.0%	26,384,952

* Increased benefit to 2.7% at 55 in September 2006

** Includes impact of first Early Retirement Offering and PERS demographic assumption changes

The growth in assets funding the liability has not met the same growth rate. This has been impacted by a large market loss experience by the PERS investment portfolio during FY 2008-09. The large loss caused the Market Value of the City's retirement assets to plunge to \$57 million, reflecting a 52% funded ratio based on market value.

The impact of the increased accrued retirement liability and the large investment loss has created an environment in which the City's employer contribution rate will increase about 2-3% annually for the next several years. PERS revised their actuarial methodology in response to the large investment loss to amortize the loss over a 30-year period. This minimized the increase to PERS agencies in the near term, but will lock in contribution rate increases for a number of years to recover the impact of the investment loss.

The employer rate has been fairly steady at a rate around 15% of payroll for the last several years. The rate for FY 2011-12 will now jump to over 19% and will increase by about 2-3% for the next several years. This will add an estimated \$300,000 to \$400,000 cost annually to the City's General Fund. Below is a table reflecting recent PERS rates for the City.

Fiscal Year	Employer Normal Cost	Unfunded Rate	Total Employer Contribution Rate
FY 2007-08	10.80%	4.27%	15.07%
FY 2008-09	10.83%	4.07%	14.90%
FY 2009-10	10.85%	4.12%	14.97%
FY 2010-11	10.95%	4.56%	15.51%
FY 2011-12	11.11%	8.24%	19.34%

Unfunded Liability for Retiree Medical Benefits

The City initiated a City-funded Retiree Medical Benefit in January 2001 for all employees that qualified for the benefit. This action was implemented at a time when City revenues were growing significantly; however, this action created an immediate unfunded liability. The City commissioned an actuarial study in January 2010 that identified an unfunded liability for this benefit of \$13.6 million, an increase of over \$3 million since June 2008. The City has contributed \$4.2 million to a trust established in 2009 which is administered by CalPERS. This leaves a remaining actuarial unfunded liability of \$9.4 million for retiree medical benefits. The report also identified an Annual Required Contribution (ARC) of \$1.6 million to fund both the cost of current retirees and amortization of the unfunded liability.

The pay-as-you-go portion of the ARC is continually increasing as additional employees retire. As a short-term measure, staff is proposing to suspend payments into the trust for a three-year period for the amortization of the unfunded liability (the City will still continue to support the "pay-as-you-go" cost each year). This will save approximately \$450,000 annually to the General Fund. However, as the actuarial reports are updated every two years, the ARC will increase and the future burden on the General Fund will be greater, hopefully this will not occur until such time when revenues have grown to fund this benefit.

Unfunded Liability for Compensated Absences

Unfunded liability for accrued compensated absences as of June 30, 2010 is \$4.1 million. By not funding at least a portion of this liability, the budget is exposed to paying out large lump sum payments as employees leave the employment of the City. Staff is recommending funding the current portion of this liability to strengthen the City's balance sheet and provide funding for unanticipated payouts as employees leave employment with the City. The current portion of this liability, or the amount that represents the value of leave accrued and expected to be used during the next 12 month period is \$1.9 million. Funding of this obligation can begin when the City's revenues begin to grow above 3% per year. A "Third Tier" benefit plan would address future unfunded accrual liabilities by decreasing the amount of leave new employees may accrue. "Third Tier" benefit plan proposals are subject to the meet and confer process.

Proposed "Third Tier" Benefit Plan as Recommended in the Deficit Elimination Plan

To address and assist in controlling the funding status of these large unfunded liabilities of the City, staff is recommending that a "third tier" of staff benefits be discussed as part of the meet and confer process. Key elements of the existing benefit plan that could be discussed in negotiations with the employee associations would include changing the following benefits for future employees: reducing the 2.7% at 55 retirement benefit, reducing or eliminating the retiree medical benefit, lowering the leave accrual rate and capping the accrual maximum limit.

Annual Increases in Public Safety Services Contracts (Without Corresponding Service Level Increases)

Past practice has been to budget a five percent increase each Fiscal Year to cover anticipated increases in the contract rate for the Riverside County Sheriffs Department. This primarily covered negotiated personnel cost increases, as well as other direct and administrative cost increases to provide police services to our community. A five percent increase in the contract rate increases the City's General Fund expenses by approximately \$1.5 million annually with no corresponding increase in service levels.

Similarly, the City also budgets for expected cost increases to the fire services contract provided by the CalFire through Riverside County. These costs typically represent annual increases of \$200,000 to \$400,000.

These built-in major cost increases to the public safety contract rates are outside of the City's control and are virtually "automatic" expense increases, regardless of the available revenue to pay these increases. This contract structure, along with the expected CalPERS pension cost increases, will consume the first \$2 million, or 3%, in revenue growth each year for the foreseeable future. In times of no revenue growth, the contract structure forces service level reductions or major cuts to other General Fund expenditures.

Bond Rating Agency Monitoring of the City’s Financial Position (Downgrade likely if the Deficit is not eliminated)

Moody’s and Standard and Poors regularly monitor the City’s financial stability and provide the results of their review to the public in the form of a financial rating. Staff has worked with the analysts of both agencies to communicate the City’s current financial condition to preserve a high bond rating. Maintenance of the current rating has largely been based upon past significant fund balances and a commitment to implement a 3-Year Deficit Elimination Plan to discontinue the use of reserves to balance the General Fund. Based on staff’s explanation of the City’s approach to balance its budget over a three-year period, Moody’s maintained its rating of A2 for the City in November 2010. It remains imperative that the City deliver on this commitment to balance the General Fund budget to maintain its current strong bond rating.

Declining Fund Balances in the General Fund

The impact of deficit budgets during the past several fiscal years has significantly decreased the available fund balance or reserves in the General Fund. The table below compares the available fund balance in FY 2008-09 of \$44.3 million decreasing to a projected available fund balance of \$27.0 million at the end of FY 2010-11.

City of Moreno Valley
General Fund Fund Balance Summary
FY 2008-09 through FY 2010-11

	<u>June 30, 2009</u>	<u>June 30, 2010</u>	<u>Projected</u> <u>June 30, 2011</u>	<u>Projected</u> <u>June 30, 2012</u>	<u>Projected</u> <u>June 30, 2013</u>	<u>Projected</u> <u>June 30, 2014</u>
General Fund Fund Balance "Available"						
Purchase of RDA Series B, Tax Allocation Bonds	22,500,000	22,500,000	-			
Long Term Payable Notes from RDA	1,399,289	652,248	-			
Undesignated	-	11,076,303	27,000,651	19,100,651	15,600,651	14,800,651
Designated for capital improvement projects	12,448,058	-	-			
Designated for Development Services	2,300,000	-	-			
Additional Fund Balance returned in FY 2009-10	5,618,200	5,618,200	-			
Total General Fund Fund Balance "Available"	44,265,547	39,846,751	27,000,651	19,100,651	15,600,651	14,800,651

Staff recommends maintaining a minimum fund balance of 20% of revenues, or about 2.5 months of revenue in fund balance for working capital and cash flow purposes. Staff is proposing to use approximately \$12.2 million in available undesignated fund balance as a component for the Deficit Elimination Plan. The plan earmarks \$7.9 million in fund balance use the first year and \$3.5 million to support the second year of the plan. From a balance of \$27 million at June 30, 2011, use of \$12.2 million to support the DEP will leave approximately \$14.8 million in fund balance for working capital as of July 1, 2014, which is near the recommended minimum level. This is a red flag that fund balances are reaching dangerously low levels in the General Fund to support a \$70 million annual operating budget.

It is imperative that staff and the City Council work together to achieve the balanced budget as outlined by the Deficit Elimination Plan to maintain the fund balance level above the \$14 million amount by June 30, 2014, the final year of the plan.

Increased Demands on the General Fund to Support Additional Services (such as Subsidizing Streetlighting Costs)

There are additional pressures affecting the General Fund budget. Currently staff is planning to include the subsidy for residential streetlights in the proposed plan for FY 2011-12 in the amount of \$675,000. Should this subsidy continue, it will force additional cuts to be able to absorb this expense within the City's General Fund revenue stream. In addition, a similar challenge with the Arterial Streetlight system needs to be solved, to prevent several hundred thousand dollars from impacting the General Fund. Staff cautions against this also becoming a burden on the City's General Fund when revenues are not available and will require other reductions if absorbed by the General Fund.

Slow Growth in the City's Major Revenue Sources

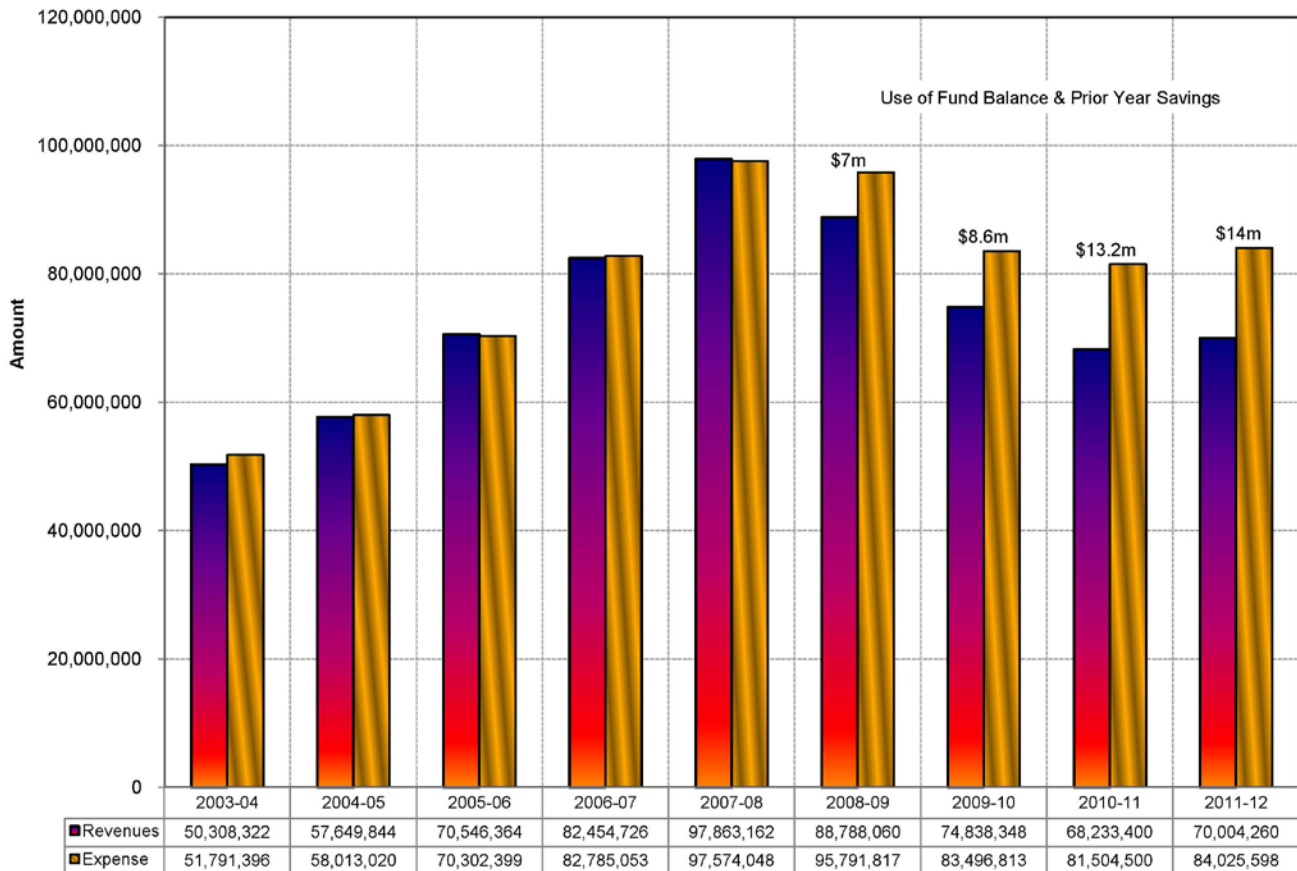
Staff monitors many economic reports from various financial sources. The recession officially ended in the third quarter of 2009 with positive GDP growth for that quarter and each quarter since. Economists' consensus is that the recovery from the Great Recession will be slow and gradual, particularly for cities and other government agencies. No rapid revenue recovery is projected. Staff anticipates overall revenue growth of approximately 2.5% - 3% for the General Fund, with the most rapid growth occurring in Sales Tax revenues (4% growth is projected). Property Taxes are expected to remain flat with slow growth occurring two and three years out. These revenue projections should result in an increase in the overall General Fund from \$68 million in the current fiscal year to \$70 million in FY 2011-12, a 2.9% growth rate.

With the positive news regarding revenue stabilization and gradual growth, the City can focus on balancing its budget. However, this slow revenue recovery shifts the focus heavily to expense reduction, management and control. This expense management focus is important for the stability of the City's financial condition. The proposed Deficit Elimination Plan makes significant cuts in the first two years of the plan, totaling \$10 million in structural reductions and approximately \$1 million in one-time savings. These cuts alone put the City on a strong financial footing entering into year three of the plan. The third year of the plan does not quite offer enough cuts to close the remaining anticipated deficit as it is projected today. Of the expected remaining \$4 million deficit after years one and two, proposed structural expense reductions for this period total \$2.7 million. Staff recommends revisiting the magnitude of the structural deficit in 12 months to determine if the third year reductions are still required or if additional reductions need to be proposed. Not addressing the final \$1.3 million deficit estimated at this time is appropriate, since changes in the economy cannot be precisely predicted and expense controls may make further cuts unnecessary.

The 3-Year Deficit Elimination Plan

The goal of this plan is to eliminate the structural deficit over the next three years, focusing on aligning ongoing expenses with the projected revenue stream. Using the proposed combination of significantly reduced expenditures with the strategic use of available reserves, staff believes the implementation of the 3-Year Deficit Elimination Plan will result in a balanced budget by June 2014. Upon receiving City Council approval, staff will apply the approved budget reductions identified in the first two years of the plan to the proposed two-year base budget covering Fiscal Years 11-12 and 12-13. Council approval of the 3-Year Deficit Elimination Plan will mitigate the need to revisit and recreate a new deficit reduction plan every year. Reductions identified in year three of the plan will be revisited in 12 months when we have further information on the strength of the economic recovery. To that end, the City Council, City Manager's Office, Community and Economic Development Department, Public Works Department, and related staff are focusing tremendous effort to achieve significant economic development and job creation within our City. Making Moreno Valley the place to do business is our objective and the catalyst to full economic recovery for our community.

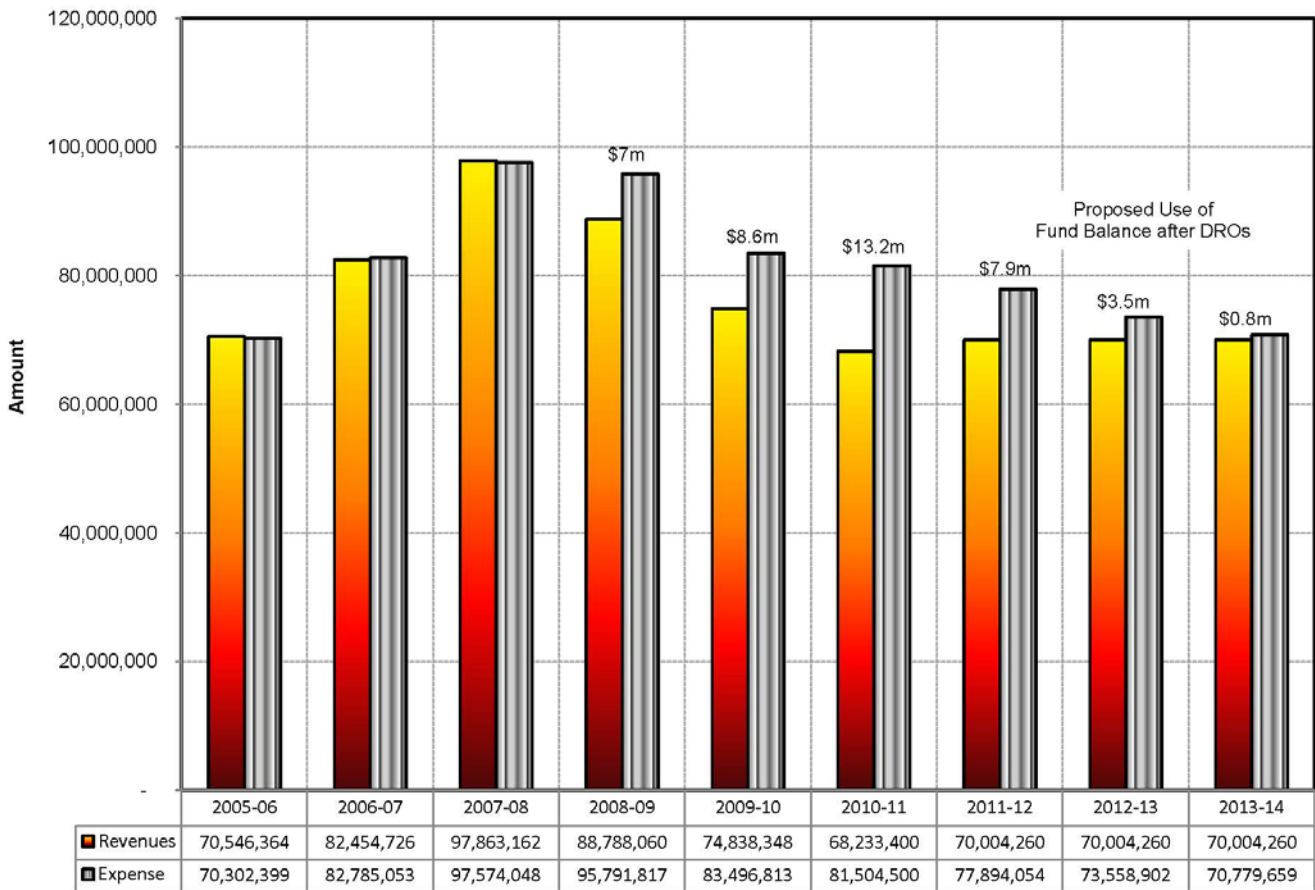
City of Moreno Valley
General Fund Revenue & Expense Budget



Deficit Elimination Plan Summary

The 3-Year Deficit Elimination Plan identifies over \$13 million in expenditure reductions. Having already reduced General Fund expenditures by \$14 million over the past three years, the proposed reductions will significantly impact City services and programs, with the goal of retaining the most critical services at acceptable levels. As the City Council's top priority is public safety, prior year deficit reduction actions have focused almost exclusively on non-public safety reductions to the General Fund. Unfortunately, given the magnitude of the structural deficit, the City cannot meet the goal of the 3-Year Deficit Elimination Plan and align expenditures with revenues without making some cuts to Police and Fire.

**City of Moreno Valley
General Fund Revenue & Expense Budget with Proposed Use of DROs & Fund Balance**

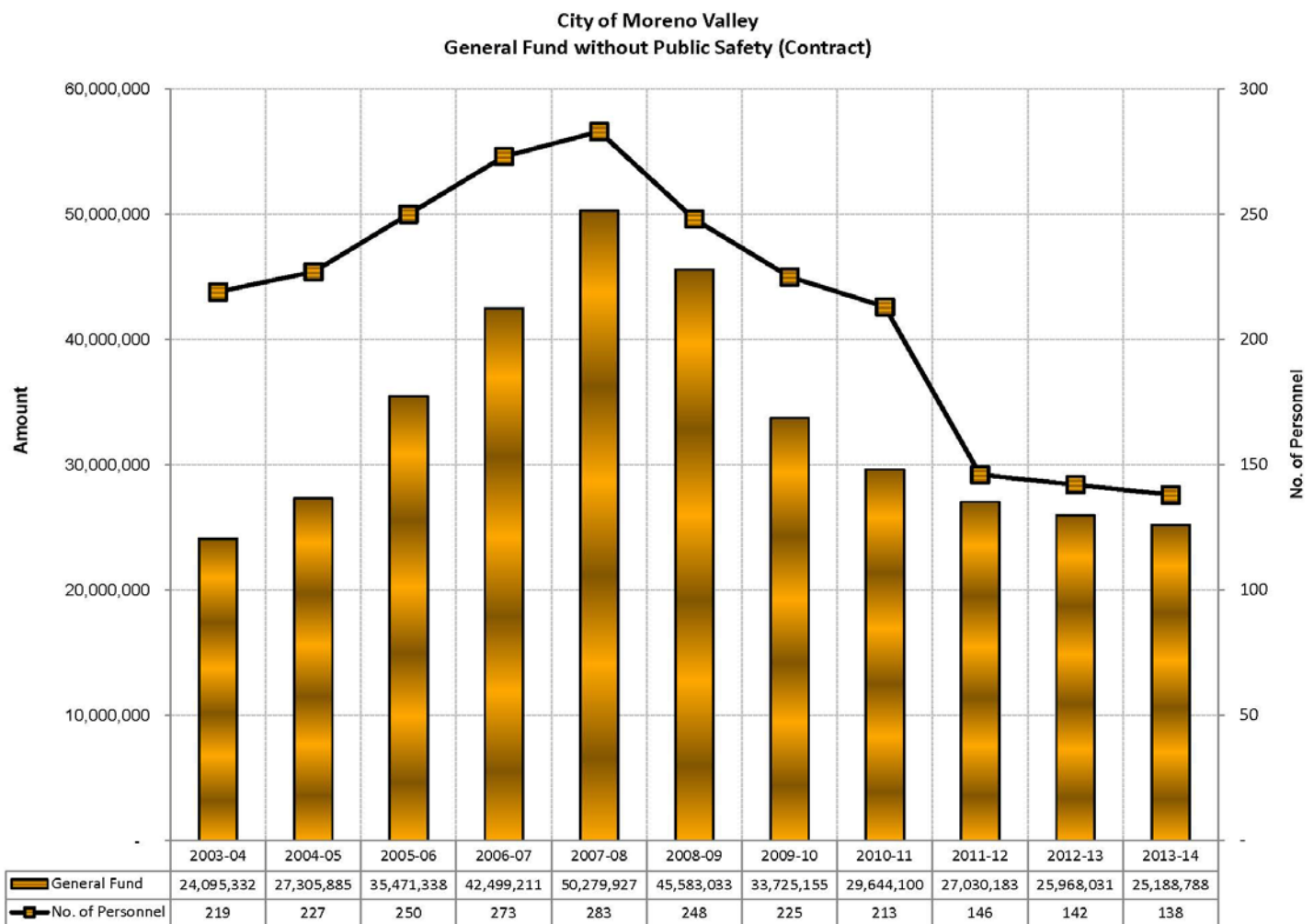


Expenditures from FY2011/12 - 2013/14 reflect full implementation of Proposed DROs

Each department's deficit reduction options (DROs) are included in this report; a summary of the more significant DROs for each department and their impacts includes the following:

General Fund: Non-Public Safety

A total of 32 positions, 24 career and 8 temporary, are identified for elimination in the General Fund. Three of these are vacant and 29 are currently filled and would result in layoffs. In addition, 47 positions, 12 career and 35 temporary, funded in the General Fund will be transferred to other funds. The Deficit Elimination Plan also assumes the continuation of the personnel-related cost-saving measures implemented July 1, 2009. These are subject to negotiation with the employee associations.



Note: the 2011-12 "Number of Personnel" reflects the transfer of 37 crossing guards from the General Fund to the Gas Tax Fund.

City Clerk and Council Office (\$114,973 in reductions): Implementation of the use of iPads will reduce the cost of copying agenda packets by \$10,000. Staff reductions, including one temporary position in year 2 and one part-time position in year 3 will result in significant impacts to the operations of the City Clerk, including increased response times to public records requests, scanning of permanent documents will take longer, and assistance in preparing the agenda will be greatly reduced. The proposed cuts would severely impact the City Clerk's Department's ability to perform its mandated legislative functions and subsequently would impact the Council Office as staff would be needed to fill mandated duties of the City Clerk's Department.

City Manager's Office (\$333,985 in reductions): Key reductions include the elimination of the Customer Service Representative position currently responsible for answering the City's main line switchboard. Service impacts to our customers will be high as calls to City Hall will be answered by the automated phone system. Other department staff will be required to answer calls that are not handled through the automated phone system, and the upstairs information area will no longer be staffed. DROs also include the elimination of the City's contract for State lobbying services. The City will need to work even more closely and directly with our current State legislators, the League of California Cities, and our regional intergovernmental agencies to communicate our legislative priorities and work together to advocate in support of or opposition to state actions that may impact the City. Staff is also proposing to transfer additional expenditures related to the operation of MVTV-3 to the non-general fund PEG (Public, Education, and Government) account. The impact of this will be the utilization of PEG fund balance (current reserves are approximately \$2 million).

City Attorney's Office (\$199,139 in reductions): DROs include transferring 30% of the Deputy City Attorney III's salary and benefits to the SB 1137 fund which is restricted to being used for nuisance abatement activities including prosecution. A DRO reducing the outside legal services budget from \$150,000 to \$100,000 will impact the ability of the City Attorney's Office to pay for specialized legal services by other departments and to fund certain litigation matters. The department DROs also include the elimination of the Executive Assistant I position in year 3. This would transfer all of the administrative responsibilities for the department to the Legal Secretary position, reducing the amount of time available for legal support and increasing the workload of the attorneys and the amount of time it would take to provide legal services.

Community & Economic Development Department (\$1,740,264 in reductions and revenue enhancements): Proposed reductions include elimination of Planning Commissioner stipends, the termination of the Shopping Cart Retrieval program and diminished use of document imaging and outside plan checking services. Impacts could include possible diminished interest in serving on Planning Commission and concerns from the public about proliferation of abandoned shopping carts. Another proposed program includes the installation of cameras on street sweepers to ticket illegally parked vehicles. Adoption of this practice would result in staff reduction of 2.5 parking control officers. A proposed savings measure includes the further reduction in the marketing program that could diminish the City's Economic Development efforts. Several potential

revenue enhancements have been recommended including full cost-recovery for planning and building services and retaining a third party collection firm to pursue the collection of unpaid debt from code violations.

Financial and Administrative Services (\$1,622,883 in reductions and revenue enhancements): The department's 16 DROs include the defunding of 12 positions and changing 2 full-time positions to part-time positions. These reductions will present challenges in maintaining timely various financial reports (including the budget and CAFR), the processing of Payroll, Accounts Payable; preparation of RFPs/bids; cash handling and follow-up audits. The reduction in Animal Services will result in a lower level of care to animals in the shelter; increase in overtime costs; eliminates veterinary services for the shelter and minimizes the medical care to stray and owned animals.

Human Resources: (\$315,916 in reductions and revenue enhancements): Among the department's DROs are eliminating two full-time Human Resources Technician Positions, eliminating the citywide training budget, and reducing the employee education reimbursement. Anticipated impacts include delays in the turnaround times for processing recruitments, liability claims, and workers compensation claims, delayed hiring of new employees, and increased response times for personnel actions, benefits enrollment and changes, invoices, payments, answering inquiries and preparing various reports for internal and external customers.

Public Works (\$1,679,627 in reductions and revenue enhancements): Public Works' General Fund DROs include revenue enhancement and alternative funding opportunities as well as the implementation of a staffing reorganization/reduction plan involving the Capital Projects and Land Development Divisions. The revenue enhancement options, including cellular phone antennae/repeater leasing agreements, providing contract inspection services to March Health Care Facility, and the implementation of an AB 939 Recycling Program Fee, will not have any negative impact to public service levels and, in the case of the AB 939 Fee, will allow the Department to increase the Recycling Program public service level to a level anticipated to be necessary to comply with State of California mandates and waste hauler franchise agreement requirements.

The alternative funding opportunities, involving the transfer of several public works maintenance and crossing guard programs to Gas Tax, will result in approximately 50% of the funding previously utilized for pavement rehabilitation capital projects being redirected and decrease the number of streets that will be able to be resurfaced for the next five years.

The implementation of the proposed staffing reorganization/reduction plan will have a moderate service level impact from a Capital Projects perspective, resulting in a decreased number of completed capital projects, due to a decreased Capital Projects staffing level that is being realigned to match decreased project funding levels. The Land Development Division's service level will also be moderately impacted resulting in

longer response times for plan checks, entitlements, public counter requests, and interdepartmental assistance.

The single General Fund Budget increase proposes the realignment of Transportation Engineering/Traffic Signal expenditures, resulting in an increase in General Fund expenditures, in order to comply with Measure A Maintenance-of-Effort requirements. Implementation of this budget issue will not have a negative service level impact, however, if this budget issue is not implemented the City will lose approximately \$2.2 million in annual Measure A revenue that is utilized to fund street improvement capital projects.

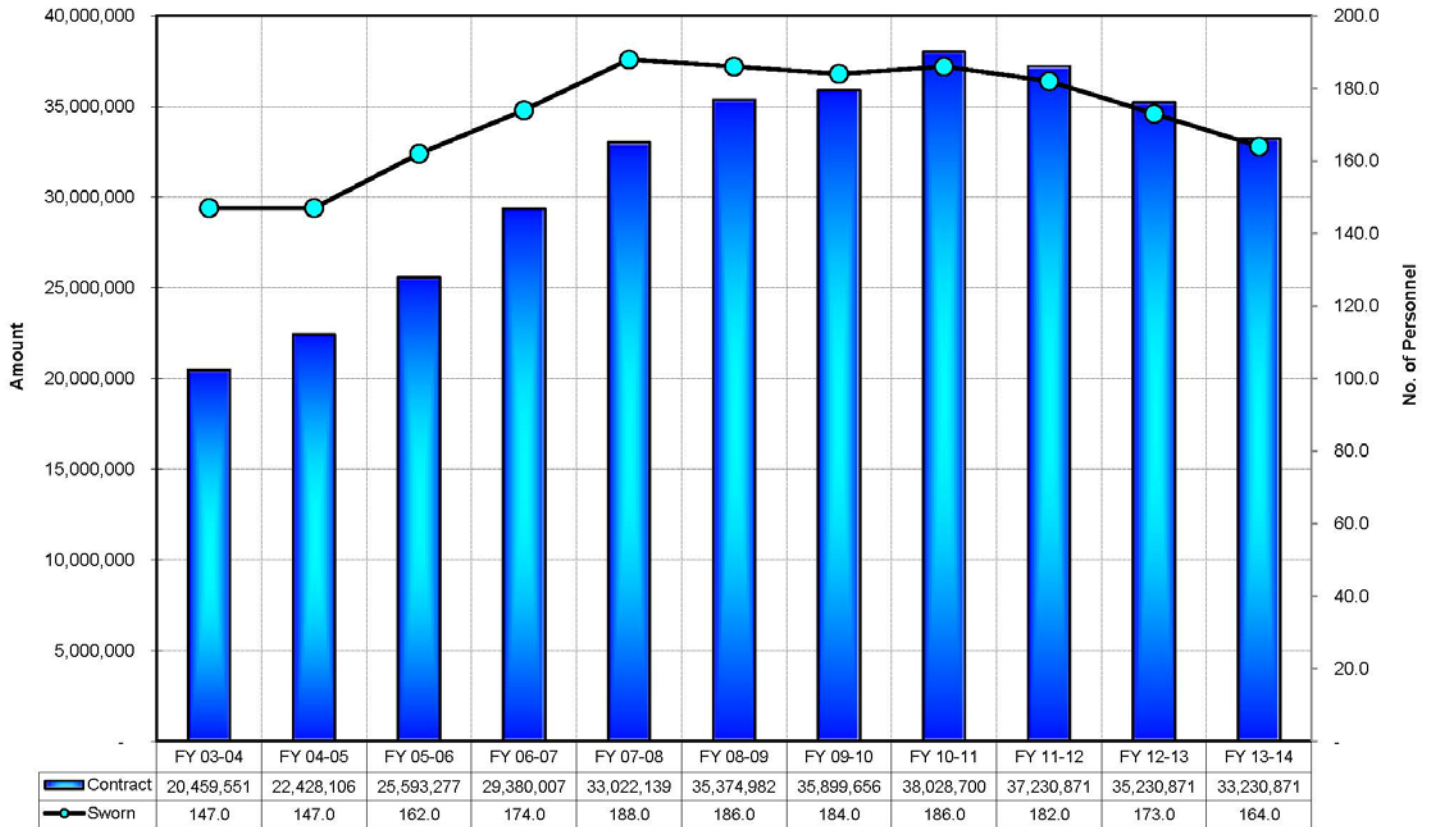
Non-Departmental (\$1,235,000 in reductions): Staff has identified DROs in non-departmental funds which include refunding lease revenue bonds, eliminating the General Fund subsidy of MVTV-3 and decreasing the subsidy to the library by \$100,000 (the DRO impacts to the library are summarized later in this report). Internal Service Fund DROs include the defunding of 3 positions. Reductions in Technology Services will result in slower responses to department technology requests; routine maintenance, such as security updates, software patches and other application updates will take longer to complete. Reductions in Facilities and Maintenance will result in slower response time to maintenance requests; appearance of some buildings will be impacted, due to the deferral of aesthetic improvements.

General Fund: Public Safety

Police (\$5 million in reductions): The plan includes Police Department DROs of \$1 million in year 1 and \$2 million in each of years 2 and 3 for a total of \$5 million. The year 1 DRO equates to a reduction in patrol service from 600 hours to 580 hours per day (3% reduction), essentially reducing each patrol shift by one officer. The year 2 DRO equates to a reduction of 38.5 hours of patrol per day (an additional 6.6% reduction). The Police Chief would determine if the reduced hours would be eliminated from patrol, traffic, or special teams. Full implementation of all 3 years' DROs would increase response time to all calls for service, including high priority crimes, likely generating the need for more overtime. The elimination of positions will in turn reduce the number of investigators, supervisors and lieutenants assigned to Moreno Valley in support roles.

FY 10-11 DROs for the Police Department included two vacant motorcycle officer positions which were to remain unfilled with the option that Council would revisit filling these positions later in the current fiscal year depending on revenues. In August, 2010, Council approved refunding these two positions, reallocating them to the Special Enforcement Team Gang unit, and allocating one additional officer to the Gang Unit as well.

**City of Moreno Valley
Police Department (SWORN Budget & Personnel)**

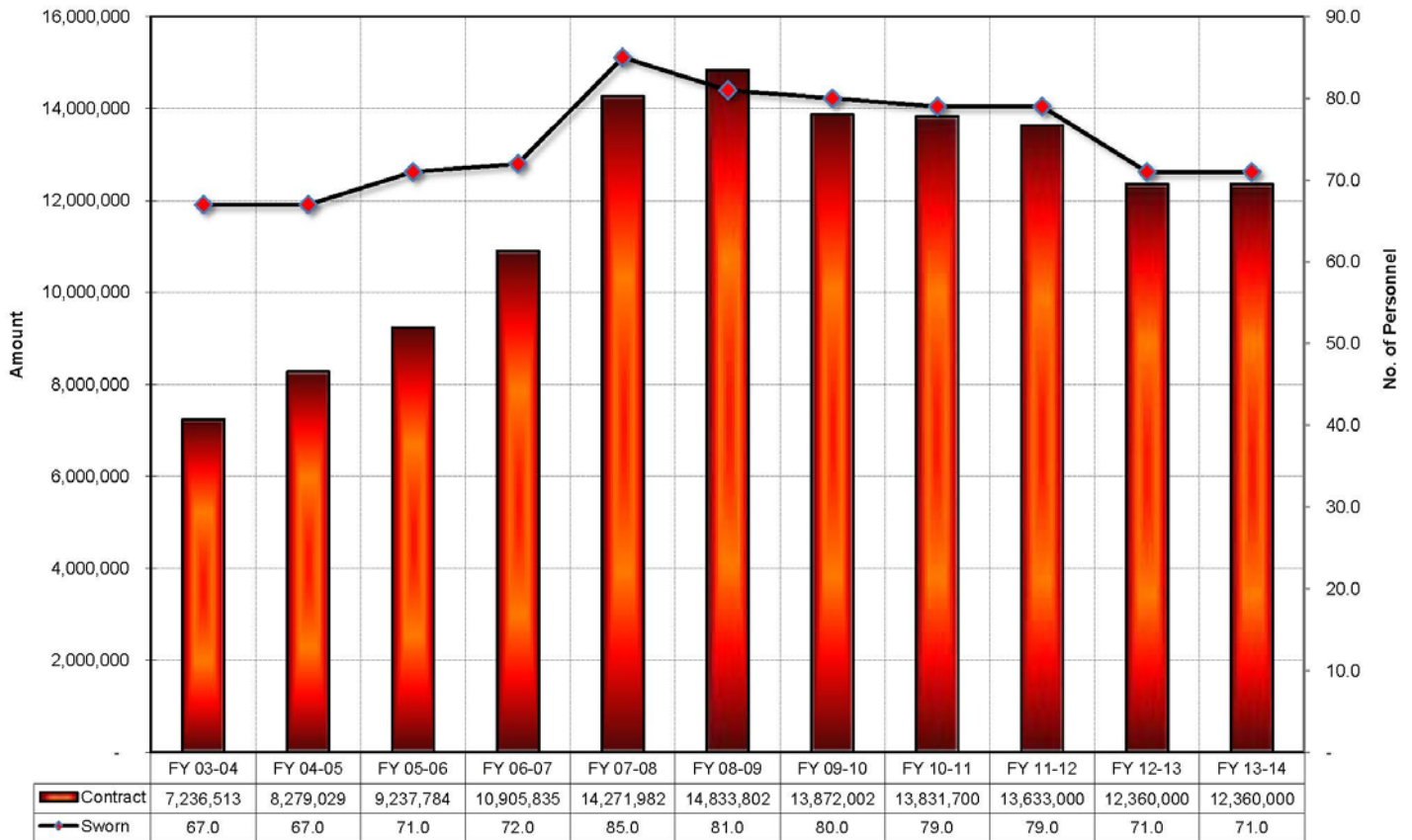


Fire Department (\$1,898,335 in reductions and revenue enhancements): Deficit reduction options for the Fire Department include the elimination of the City's CPR program; defunding one full time and one part time position; and the elimination of Truck 58 decreasing 8 sworn firefighter positions, totaling 9.5 defunded positions. Of these deficit reduction options, the defunding of Truck 58 will have the most impact to the community as it is the City's only Paramedic Truck Company. In 2010, Truck 58 responded to 737 calls for service and was the primary responding unit 28% of the time. These calls will be assigned to the remaining Truck and Engine companies in the City, and could result in longer response times. Currently the Fire Department is meeting an 8 minute response time criteria for full first alarm assignments 90% of the time, however, this is expected to drop to 60% once this truck company is defunded and the remaining two truck companies are relocated to the more central areas of the City. The second most impactful reduction will be the elimination of the Permit Technician in Fire Prevention. Counter coverage for the Fire Prevention Bureau would be reduced from ten hours a day to four hours a day, severely affecting the development community.

The Fire Department is also proposing two revenue enhancement options. The first is to conduct a state mandated fire annual apartment complex inspection program. There will be a net revenue gain of \$100,153 from implementing this program, even after hiring

four fire prevention assistants to assist with the inspections. The other revenue enhancement option is to restructure the fire annual inspection program for commercial businesses, which would result in a revenue increase of \$391,396. This program is dependent on hiring two fire prevention assistants to conduct hazard abatement so that the City's Fire Prevention Inspectors can perform these inspections.

**City of Moreno Valley
Fire Department History (SWORN Budget & Personnel)**



Non-General Fund

Zone A Parks & Recreation (\$738,401 or \$1,208,401 in two options of reductions and revenue enhancements): Zone A DROs will result in minimal to moderate service level impacts throughout the department. Defunding a vacant Senior Park Ranger position will be mitigated through the use of temporary staff to take care of restroom maintenance and locking of the parks giving current Park Rangers additional time to patrol the parks. The plan includes a DRO to possibly contract out the operation of the Cottonwood Golf Course, potentially saving Zone A funds. The Recreation Aides at the Golf Course would be absorbed into other recreation programs once operation of the Golf Course is contracted out. There is also a possibility that the department would receive a small amount of revenue from this transaction.

The other two Deficit Reduction Options pertain to the STARS Program and the financial costs to Zone A and the General Fund. Option 1 is to provide the General Fund with \$400,000 to recover their costs created by the STARS Program. To do this the STARS participants will be charged a fee and the balance will come from Zone A. This will have a moderate impact on the participants and Zone A. Option 2 is to have an outside organization operate the STARS program. Zone A would continue to have control over the grant. Full time Career and Part Time Career staff would become employees of the outside organization. This option will reduce Zone A costs and General Fund costs.

Library (\$316,402 in reductions and revenue enhancements): The DROs for the Moreno Valley Library include increasing the overdue fines, reducing subscriptions and books by 50%, closing the computer lab in year 2 and reducing the Library hours in year 3. Increased fines mean higher charges for people at a time when many can least afford it; staff would need to deal with more public complaints. Cutting the book and subscriptions budget means the library's ability to provide up to date materials and databases would decrease even as library use and requests are increasing. Closing the public computer lab or charging a computer use fee means an end to free public computer access and wi-fi. Many residents can't afford their own computers or a fee, staff would receive complaints and printing revenue would be lost. Reducing hours would further restrict public access to the library, which would become busier and more crowded during the remaining open hours as people shift their visits. The minimal staff left would have to take on even more extra duties.

Staff is investigating a proposal to help fund library services with Zone A funds. This would eliminate the DRO to close the computer lab in year 2. The City Attorney's Office has indicated that library services are not prohibited for funding through the Zone A revenues.

Special Districts Administration (\$525,327 in reductions): To more appropriately match the expenditures to revenues as a result of the slowdown in development and the increase in costs to perform services without offsetting parcel fees, Special Districts is proposing a reorganization that will include the elimination of 3 filled positions and one vacant position, and the transfer of one full time position, in year 1. The layoff of an additional full time position is proposed in year 2 pending the outcome of a ballot measure for increased landscape maintenance assessment fees. The staffing reductions/reorganizations will have a moderate service level impact that will be mitigated through the absorption of responsibilities by remaining staff. The decreased staffing level represents a realignment to match decreased development activity and to offset increased costs.

Strategic Use of Fund Balance

Attempting to solve the City's \$14 million General Fund structural deficit within one fiscal year would be devastating to the programs and services that Moreno Valley residents expect and deserve. As noted previously, General Fund expenditures have been reduced by over \$14 million in the past three years and the City's work force has

decreased by 25% due to layoffs and hiring freezes. The Deficit Elimination Plan proposes a fiscally responsible combination of significant expenditure reductions with the strategic use of the City’s General Fund reserves to balance the budget over a three year period. A measured infusion of money from the City’s reserves will help offset what otherwise would be overwhelming operating reductions.

As illustrated in the “General Fund Revenue & Expense Budget with Proposed Use of DROs & Fund Balance” chart on page 11 and the following table, the Deficit Elimination Plan proposes using a total of \$12.2 million in General Fund reserves over the next three years to help achieve a balanced budget:

	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>
Fund Balance Available	\$27,000,000	\$19,100,000	\$15,600,000
Deficit	\$14,000,000	\$8,100,000	\$4,100,000
Proposed Use of Fund Balance	7,900,000	3,500,000	800,000
Proposed General Fund DROs	6,100,000	4,600,000	3,300,000
Note: One-time savings included:	354,000	550,000	650,000

The City currently has \$27 million in General Fund reserves, which essentially serve as the City’s Working Capital funds and the “rainy day” savings for use to mitigate the effects of revenue fluctuations. By FY 13-14, the projected fund balance will be \$14,800,000. Assuming the full implementation of the DROs, the City’s General Fund expenditure budget at that time is projected to be \$70,779,659. Therefore, the proposed fund balance reserve as of July 1, 2014 would represent a General Fund Contingency Reserve of approximately 20%, which is near the minimum level of the standards established by the Government Finance Officers Association.

It is anticipated that additional revenues not included in these projections will be realized through improved economic conditions, and the City’s economic development efforts. In addition, the City must continue fiscal restraint on the part of all City departments. Staff is optimistic that these factors will result in a reduction of the year 3 deficit reduction options necessary to fully balance the City’s operating budget. By making the difficult decisions proposed in the Deficit Elimination Plan and exercising the discipline required to implement the expenditure reductions, the City Council and staff will successfully eliminate the structural deficit over the next three years and position the City to take full advantage of the anticipated recovery of the nation’s and the City’s economy.

Richard Teichert
 Financial and Administrative Services Director

City of Moreno Valley
Deficit Reduction Option (DRO) Budget Summary
General Fund

<u>Department</u>	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>	<u>Total</u>
General Fund - Revenue Enhancements:				
Community & Economic Development	\$ 355,000	\$ 337,000	\$ 497,000	\$ 1,189,000
Financial & Administrative Services	114,200	-	-	114,200
Fire	426,996	106,793	-	533,789
Public Works	149,408	-	-	149,408
	<u>1,045,604</u>	<u>443,793</u>	<u>497,000</u>	<u>1,986,397</u>
General Fund - Deficit Reduction Options:				
City Council/City Clerk	27,900	43,660	43,413	114,973
City Manager	269,352	64,633	-	333,985
City Attorney	108,879	-	90,260	199,139
Community & Economic Development	456,564	93,530	1,170	551,264
Financial & Administrative Services	1,016,283	255,000	247,400	1,518,683
Fire	140,477	1,287,429	-	1,427,906
Human Resources	232,946	82,970	-	315,916
Police	1,000,000	2,000,000	2,000,000	5,000,000
Public Works	2,026,219	-	-	2,026,219
Non-Department	1,010,000	450,000	450,000	1,910,000
	<u>6,288,620</u>	<u>4,277,222</u>	<u>2,832,243</u>	<u>13,398,085</u>
DRO Offsets:				
Fire	(31,680)	(31,680)	-	(63,360)
Public Works	(496,000)	-	-	(496,000)
Non-Department	(675,000)	-	-	(675,000)
	<u>(1,202,680)</u>	<u>(31,680)</u>	<u>-</u>	<u>(1,234,360)</u>
Total General Fund	<u>\$ 6,131,544</u>	<u>\$ 4,689,335</u>	<u>\$ 3,329,243</u>	<u>\$ 14,150,122</u>

City of Moreno Valley
Deficit Reduction Option (DRO) Position Summary
General Fund

<u>Department</u>	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>	<u>Total</u>
General Fund - Deficit Reduction Options:				
City Council/City Clerk		1.0	1.0	2.0
City Manager	1.0			1.0
City Attorney			1.0	1.0
Community & Economic Development	4.0			4.0
Financial & Administrative Services	11.0	5.0	2.0	18.0
Fire	2.0			2.0
Human Resources	2.0	1.0		3.0
Police				-
Public Works	48.0			48.0
Non-Department				-
Total General Fund	<u>68.0</u>	<u>7.0</u>	<u>4.0</u>	<u>79.0</u>

**City of Moreno Valley
Deficit Reduction Option (DRO) Position Summary
Non-General Fund**

<u>Department</u>	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>	<u>Total</u>
Non-General Fund - Revenue Enhancements:				
Financial & Administrative Services	\$ -	\$ -	\$ -	\$ -
Library	14,100	-	-	14,100
Parks & Community Services	200,000	-	-	200,000
Public Works	400,000	1,000,000	-	1,400,000
	<u>614,100</u>	<u>1,000,000</u>	<u>-</u>	<u>1,614,100</u>
Non-General Fund - Deficit Reduction Options:				
Financial & Administrative Services	665,282	141,681	283,991	1,090,954
Library	54,371	177,039	70,892	302,302
Parks & Community Services	1,208,401	-	-	1,208,401
Public Works	1,058,759	449,704	-	1,508,463
	<u>2,986,813</u>	<u>768,424</u>	<u>354,883</u>	<u>4,110,120</u>
Total Non-General Fund	<u>\$ 3,600,913</u>	<u>\$ 1,768,424</u>	<u>\$ 354,883</u>	<u>\$ 5,724,220</u>

**City of Moreno Valley
Deficit Reduction Option (DRO) Position Summary
Non-General Fund**

<u>Department</u>	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>	<u>Total</u>
Non-General Fund - Deficit Reduction Options:				
Financial & Administrative Services	1.0	1.0	1.0	3.0
Library	-	3.0	2.0	5.0
Parks & Community Services	1.0	-	-	1.0
Public Works	7.0	1.0	-	8.0
Total Non-General Fund	<u>9.0</u>	<u>5.0</u>	<u>3.0</u>	<u>17.0</u>

City of Moreno Valley
2011-12 Deficit Reduction Option (DRO) Detail
GENERAL FUND City Clerk/City Council

Rank	Dept	Description of Program/Function or Activity	STAFFING IMPACT				FY 2011-2012		FY 2012-2013		FY 2013-2014		Total per line item Total	Total per line item Gen Fund	One-time (Limited) DROs	(Structural) Recurring DROs
			City No.	FTC P/T	Filled/ Vacant	Transfer or Lay-off	DROs		DROs		DROs					
							Total	General Fund	Total	General Fund	Total	General Fund				
1	Cncl	Reduce copies of agenda packet by implementation of iPad					10,000	10,000	-	-	-	-	10,000		10,000	
2	Cncl	Reduce Archive (Cornerstone) Management Inventory					2,000	2,000	1,000	1,000	500	500	3,500		3,500	
3	Cncl	LexisNexis					-	-	2,960	2,960	4,400	4,400	7,360		7,360	
4	Cncl	Sister City Promotion					1,100	1,100	-	-	-	-	1,100		1,100	
5	Cncl	Other Mat'ls - Bereavement					1,300	1,300	-	-	-	-	1,300		1,300	
6	Cncl	Special Events					5,000	5,000	-	-	-	-	5,000		5,000	
7	Cncl	Council Training/Travel					3,500	3,500	-	-	-	-	3,500		3,500	
8	Cncl	Council Discretionary					5,000	5,000	-	-	-	-	5,000		5,000	
10	Cncl	Defund Temporary Senior Office Assistant	1.0	FTC Tmp	Filled	Lay-off			39,700	39,700	-	-	39,700		39,700	
11	Cncl	Defund part-time Senior Office Assistant	1.0	P/T	Filled	Lay-off			-	-	38,513	38,513	38,513		38,513	
59		City Clerk/Council Total	2.0				27,900	27,900	43,660	43,660	43,413	43,413	114,973		114,973	

DRO Position Summary Listing

FTC (Full-time Career)	
Filled - Lay-off	0.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total FTC	0.0
Part-time (P/T)	
Filled - Lay-off	1.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total P/T	1.0
Temporary (Temp)	
Filled - Lay-off	1.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total Temp	1.0

Department Total 2.0

City of Moreno Valley
2011-12 Deficit Reduction Option (DRO) Detail
GENERAL FUND City Manager

Rank	Dept	Description of Program/Function or Activity	STAFFING IMPACT				FY 2011-2012		FY 2012-2013		FY 2013-2014		Total per line Item Total	Total per line Item Gen Fund	One-time (Limited) DROs	(Structural) Recurring DROs	
			City No.	P/T	FTC	Filled/ Vacant	Transfer or Lay-off	Total	DROs		Total	DROs					
									General Fund	General Fund		General Fund					General Fund
1	City Mgr	Shift 40% of funding of Media & Production Coordinator to Public/Education/Government Access Programming (PEG) fund 13210										29,800	29,800		29,800		
2	City Mgr	Publish City Link as online publication only										42,000	42,000		42,000		
3	City Mgr	Shift funding of website maintenance to PEG fund 13210										30,000	30,000		30,000		
4	City Mgr	Eliminate state lobbyist										37,800	37,800		37,800		
5	City Mgr	Shift funding (total of 70%) of Assistant to the City Manager to PEG fund 13210										53,978	53,978		53,978		
6	City Mgr	Shift 25% of the funding for the Assistant City Manager to PEG fund 13210										64,633	64,633		64,633		
7	City Mgr	Defund Customer Service Assistant	1.0									60,774	60,774		60,774		
	City Mgr	Reduce CM contingency from \$140k to \$125k										15,000	15,000		15,000		
		City Manager Total	1.0									269,352	269,352		64,633	333,985	

DRO Position Summary Listing

Filled - Lay-off	1.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total FTC	1.0
Part-time (P/T)	
Filled - Lay-off	0.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total P/T	0.0
Temporary (Temp)	
Filled - Lay-off	0.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total Temp	0.0
Department Total	1.0

City of Moreno Valley
 2011-12 Deficit Reduction Option (DRO) Detail
 GENERAL FUND City Attorney

Dept.	Rank	Dept	Description of Program/Function or Activity	STAFFING IMPACT				FY 2011-2012			FY 2012-2013			FY 2013-2014			Total per line item Total	Total per line item Gen Fund	One-time (Limited) DROs	Structural) Recurring DROs
				City No.	FTC	P/T	Temp	DROs		DROs		DROs								
						Filled/ Vacant	Transfer or Lay-off	Total	General Fund	Total	General Fund	Total	General Fund							
	1	Atty	Transfer 30% of Deputy City Attorney III salary & benefits of \$170,815 to BU 23210 (SB 1137 funds).			Filled	Partial Transfer	51,244	51,244	-	-	-	-	-	51,244	51,244		51,244		
	2	Atty	Reduce Communications (6215) budget from \$4191 to \$2500. Reduce Books (6351) budget from \$25,944 to 20,000.					7,635	7,635	-	-	-	-	-	7,635	7,635		7,635		
	3	Atty	Reduction of outside legal services budget from \$150,000 to \$100,000.					50,000	50,000	-	-	-	-	-	50,000	50,000		50,000		
	4	Atty	Defund the Executive Assistant I position.	1.0	FTC	Filled	Lay-off	-	-	-	-	90,260	90,260	90,260	90,260	90,260		90,260		
			City Attorney Total	1.0				108,879	108,879	-	-	90,260	90,260	90,260	199,139	199,139	-	199,139		

DRO Position Summary Listing

FTC (Full-time Career)	
Filled - Lay-off	1.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total P/T	1.0
Part-time (P/T)	
Filled - Lay-off	0.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total P/T	0.0
Temporary (Temp)	
Filled - Lay-off	0.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total Temp	0.0

Department Total

1.0

City of Moreno Valley
2011-12 Deficit Reduction Option (DRO) Detail
GENERAL FUND Community and Economic Development

Dept	Rank	Dept	Description of Program/Function or Activity	STAFFING IMPACT				FY 2011-2012		FY 2012-2013		FY 2013-2014		Total per line Item Total	Total per line Item Gen Fund	One-time (Limited) DROs	(Structural) Recurring DROs
				FTC	P/T	City No.	Transfer Filled/ Vacant Lay-off	DROs		DROs		DROs					
				No.	Imp	General Fund	General Fund	General Fund	Total	Total	Total	Total	Total	Total			
	1	CEDD	Elimination of Community Development Director - merging Economic Development and Community Development Departments.	1.0	FTC Vacant			95,900	95,900	3,530	3,530	1,170	100,600	100,600		100,600	
	2	CEDD	Reallocation of % from ED to CDD for CEDD Director - merging Economic Development and Community Development Departments (10% reallocated)					13,385	13,385	-	-	-	13,385	13,385		13,385	
	3	CEDD	REVENUE ENHANCEMENT - Application activity increases over 3-year					95,000	95,000	105,000	105,000	125,000	325,000	325,000		325,000	
	4	CEDD	REVENUE ENHANCEMENT - Third party collection of unpaid debt.					100,000	100,000	100,000	100,000	200,000	400,000	400,000	400,000		
	6	CEDD	Funding for abatement projects and transfer to SB1137.					30,000	30,000	-	-	-	30,000	30,000		30,000	
	7	CEDD	Eliminate Planning Commissioner stipend and related line items.					10,920	10,920	-	-	-	10,920	10,920		10,920	
	8	CEDD	Eliminate funding for electronic document imaging service.					20,000	20,000	-	-	-	20,000	20,000		20,000	
	9	CEDD	Installation of Street Sweeping Cameras	2	FTC Filled			40,837	40,837	90,000	90,000	-	130,837	130,837		130,837	
	0	CEDD	Reduce outside contractual plan check services.	3.0	1 Tmp Filled			80,000	80,000	-	-	-	80,000	80,000		80,000	
	11	CEDD	REVENUE ENHANCEMENT - Adjust fees for full cost-recovery.					-	-	132,000	132,000	172,000	304,000	304,000		304,000	
	12	CEDD	REVENUE ENHANCEMENT - Implement fee study - full cost recovery					160,000	160,000	-	-	-	160,000	160,000		160,000	
	13	CEDD	Various line items (please refer to the Deficit Reduction Option Form)					117,522	117,522	-	-	-	117,522	117,522		117,522	
	14	CEDD	Terminate Shopping Cart Retrieval Program					48,000	48,000	-	-	-	48,000	48,000		48,000	
			Community & Economic Development Total	4.0				811,564	811,564	430,530	430,530	498,170	1,740,264	1,740,264	400,000	1,340,264	

City of Moreno Valley
2011-12 Deficit Reduction Option (DRO) Detail
GENERAL FUND Financial & Administrative Services

Dept Rank	Dept	Description of Program/Function or Activity	STAFFING IMPACT				FY 2011-2012			FY 2012-2013			FY 2013-2014			Total per line Item Total	Total per line Item Total	One-time (Limited) DROs	(Structural) Recurring DROs
			City No.	FTC	Filled/ Vacant	Transfer or Lay-off	Total	General Fund	Total	General Fund	Total	General Fund	Total	General Fund					
				P/T Imp															
1	FASD	Reallocation of 5% of Tech. Svcs. Div Mgr & Enterprise Admin, salary & benefits to the Technology Services Fund.								20,000					20,000			20,000	
2	FASD	Reduction in auditing services costs (need funds for 2011 OPEB valuations consulting svcs)								10,000					10,000			10,000	
5	FASD	Reduce UUT audit program fees.								15,000					15,000			15,000	
6	FASD	Reduce budgeted fee to Investment Svcs. consultant (Chandler)								10,000					10,000			10,000	
8	FASD	Defund Budget Officer	1.0	FTC	Vacant					101,400					101,400			101,400	
		Suspend the Animal License Canvassing Program; defund (1) Animal Svcs Lic. Insp; (1) Office Aide (tmp); (1) Animal Svcs Asst.	3.0	2 FTC 1 Tmp	Filled Filled	Lay-off Lay-off				-	111,900	111,900	18,100	130,000			130,000		
12	FASD	Defund Accounting Assistant (Financial Ops)	1.0	FTC	Filled	Lay-off				86,000					86,000			86,000	
13	FASD	Defund Accounting Asst (Treasury)	1.0	FTC	Filled	Lay-off				58,000	2,000	2,000		60,000			60,000		
14	FASD	Defund Sr. Administrative Asst. (Purchasing)	1.0	FTC	Filled	Lay-off				73,000	10,000	10,000		83,000			83,000		
15	FASD	Collect bad debt from Animal Svcs unpaid administrative citations								114,200				114,200			114,200		
16	FASD	Defund City Hall roof replacement CIP project (Facilities)								649,965				649,965			649,965		
18	FASD	Defund Executive Assistant I (Admin)	1.0	FTC	Filled	Lay-off				67,100	10,000	10,000		77,100			77,100		
19	FASD	Defund the following positions: (1) Sr. Admin Asst; (1) Animal Svcs. Dispatcher; & (2) Animal Care Techs (Tmp).	6.0	2 FTC 4 Tmp	Filled Filled	Lay-off Lay-off				250,800				250,800			250,800		
20	FASD	Defund (2) Animal Control Officers	2.0	1 FTC 1 Tmp	Filled Filled	Lay-off Lay-off				-	121,100	121,100	13,100	134,200			134,200		
21	FASD	Close MoVal Veterinary Clinic & defund (1) Animal control Officer & (1) Animal Svcs. Asst.	2.0	2 FTC	Filled	Lay-off				-			216,200	216,200			216,200		
Financial & Administrative Services Total										1,455,465	1,130,483	255,000	255,000	247,400	1,957,865	1,632,883	439,183	1,193,700	

City of Moreno Valley
 2011-12 Deficit Reduction Option (DRO) Detail
 GENERAL FUND Financial & Administrative Services

Rank	Dept	Description of Program/Function or Activity	STAFFING IMPACT				FY 2011-2012		FY 2012-2013		FY 2013-2014		Total per line Item	Total per line Item	One-time (Limited) DROs	(Structural) Recurring DROs
			City No.	FTC	P/T	Imp	Transfer or Lay-off	Total	Fund	Total	Fund	Total				

DRO Position Summary Listing

FTC (Full-time Career)																
Filled - Lay-off																
Filled - Transfer to other funding sources																
Vacant																
Total FTC																
Part-time (P/T)																
Filled - Lay-off																
Filled - Transfer to other funding sources																
Vacant																
Total P/T																
Temporary (Temp)																
Filled - Lay-off																
Filled - Transfer to other funding sources																
Vacant																
Total Temp																
Department Total																

18.0

18.0

City of Moreno Valley
2011-12 Deficit Reduction Option (DRO) Detail
GENERAL FUND Fire

Rank	Dept	Description of Program/Function or Activity	STAFFING IMPACT				FY 2011-2012			FY 2012-2013			FY 2013-2014			Total per line Item Total	Total per line Item Gen Fund	One-time (Limited) DROs	(Structural) Recurring DROs
			FTC		Transfer or Lay-off		DROs			DROs			DROs						
			City No.	P/T	Temp	Filled/ Vacant	Total	General Fund	Total	General Fund	Total	General Fund	Total	General Fund					
1	Fire	Split fund Office of Emergency Management & Volunteer Services Specialist, 80% to grant fund 13410 and 20% to 64110						20,558			-				20,558			20,558	
2	Fire	Restructure Fire Annual Inspection Program - Revenue Enhancement						391,396			-				391,396			391,396	
2A	Fire	Hire 2 Fire Prevention Assistants for Hazard Abatement - Budget Issue Staff Report						(21,120)			-				(21,120)			(21,120)	
3	Fire	Remove City Squad from front line emergency response						29,560			-				29,560			29,560	
4	Fire	Defund part time Office of Emergency Management & Volunteer Services Specialist and eliminate the City's CPR program	1.0	P/T	Filled	Lay-Off		25,564	8,218	8,218					33,782			33,782	
5	Fire	Defund Permit Technician	1.0	FTC	Filled	Lay-Off		64,795	6,179	6,179					70,974			70,974	
6	Fire	Conduct state mandated apartment complex fire inspections annually - Revenue Enhancement						35,600	106,793	106,793					142,393			142,393	
6A	Fire	Conduct state mandated apartment complex fire inspections annually - Budget Issue Staff Report to hire 4 Fire Prevention Assistants						(10,560)	(31,680)	(31,680)					(42,240)			(42,240)	
7	Fire	Eliminate Truck Company		FTC	Filled	Lay-Off		-	1,273,032	1,273,032					1,273,032			1,273,032	
Fire Total			2.0				535,793	535,793	1,362,542	1,362,542				1,898,335			1,898,335		

Item No. G.3

City of Moreno Valley
2011-12 Deficit Reduction Option (DRO) Detail
GENERAL FUND Fire

Rank	Dept	Description of Program/Function or Activity	STAFFING IMPACT				FY 2011-2012		FY 2012-2013		FY 2013-2014		Total per line item	Total per line item Gen Fund	One-time (Limited) DROs	(Structural) Recurring DROs
			City No.	FTC P/T	Filled/ Vacant	Transfer or Lay-off	Total	General Fund	Total	General Fund	Total	General Fund				
		FTC (Full-time Career)														
		Filled - Lay-off	1.0													
		Filled - Transfer to other funding sources	0.0													
		Vacant	0.0													
		Total FTC				1.0										
		Part-time (P/T)														
		Filled - Lay-off	1.0													
		Filled - Transfer to other funding sources	0.0													
		Vacant	0.0													
		Total P/T				1.0										
		Temporary (Temp)														
		Filled - Lay-off	0.0													
		Filled - Transfer to other funding sources	0.0													
		Vacant	0.0													
		Total Temp				0.0										
		Department Total														

City of Moreno Valley
2011-12 Deficit Reduction Option (DRO) Detail
GENERAL FUND Human Resources

Dept	Rank	Dept	Description of Program/Function or Activity	STAFFING IMPACT				FY 2011-2012			FY 2012-2013			FY 2013-2014			Total per line Item Total	Total per line Item Total	One-time (Limited) DROs	(Structural) Recurring DROs
				City No.	P/T	FTC	Filled/ Vacant	Transfer or Lay-off	DROs		DROs		DROs							
									Total	General Fund	Total	General Fund	Total	General Fund						
	1	HR	Defund Vacant Security Guard position	1.0	FTC		Vacant		45,626	22,813						45,626	22,813		22,813	
	2	HR	Reduce/Eliminate various line items						87,900	43,950						87,900	43,950		43,950	
	3	HR	Reduce Contract Services Line Item						12,500	6,250						12,500	6,250		6,250	
	4	HR	Eliminate Prof Dev & Wellness Program						3,000	3,000						3,000	3,000		3,000	
	5	HR	Reduce Other Professional Services						28,100	28,100						28,100	28,100		28,100	
	6	HR	Eliminate City Wide Training						4,000	4,000						4,000	4,000		4,000	
	7	HR	Eliminate Dues & Subscriptions						3,000	3,000						3,000	3,000		3,000	
	8	HR	Reduce Office Supplies						3,000	3,000						3,000	3,000		3,000	
	9	HR	Reduce Advertising						19,000	19,000						19,000	19,000		19,000	
	10	HR	Reduce Emp Education Reimbursement						15,000	15,000						15,000	15,000		15,000	
	11	HR	Reduce/Eliminate various line items						9,000	4,500						9,000	4,500		4,500	
	12	HR	Eliminate HR Tech Position (1 of 2)	1.0	FTC		Filled	Lay-Off	80,333	80,333						80,333	80,333		80,333	
	13	HR	Eliminate HR Tech Position (2 of 2)	1.0	FTC		Filled	Lay-Off	-	-						82,970	82,970		82,970	
			Human Resources Total	3.0					310,459	232,946						393,429	315,916		315,916	

DRO Position Summary Listing

FTC (Full-time Career)	
Filled - Lay-off	2.0
Filled - Transfer to other funding sources	0.0
Vacant	1.0
Total FTC	3.0
Part-time (P/T)	
Filled - Lay-off	0.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total P/T	0.0
Temporary (Temp)	
Filled - Lay-off	0.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total Temp	0.0

Department Total

3.0

City of Moreno Valley
2011-12 Deficit Reduction Option (DRO) Detail
GENERAL FUND Police

Dept Rank	Dept	Description of Program/Function or Activity	STAFFING IMPACT				FY 2011-2012			FY 2012-2013			FY 2013-2014			Total per line Item Total	Total per line Item Gen Fund	One-time (Limited) DROs	(Structural) Recurring DROs
			City No.	FTC P/T Trmp	Filled/ Vacant	Transfer or Lay-off	Total	General Fund	Total	General Fund	Total	General Fund	Total	General Fund					
	1	Police Hours of service per day.		FTC	Filled	Transfer		1,000,000	1,000,000	2,000,000	2,000,000	2,000,000	2,000,000	5,000,000	5,000,000			5,000,000	
		Police Total						1,000,000	1,000,000	2,000,000	2,000,000	2,000,000	2,000,000	5,000,000	5,000,000			5,000,000	

DRO Position Summary Listing

FTC (Full-time Career)	
Filled - Lay-off	0.0
Filled - Transfer to other funding sources	0.0
Vacant	<u>0.0</u>
Total FTC	0.0
Part-time (P/T)	
Filled - Transfer to other funding sources	0.0
Vacant	<u>0.0</u>
Total P/T	0.0
Temporary (Temp)	
Filled - Lay-off	0.0
Filled - Transfer to other funding sources	0.0
Vacant	<u>0.0</u>
Total Temp	0.0
Department Total	<u><u>0.0</u></u>

City of Moreno Valley
2011-12 Deficit Reduction Option (DRO) Detail
GENERAL FUND Public Works

Dept. Rank	Dept	Description of Program/Function or Activity	STAFFING IMPACT				FY 2011-2012		FY 2012-2013		FY 2013-2014		Total per line		One-time (Limited) DROs	(Structural) Recurring DROs
			City No.	FTC P/I Imp	Filled/ Vacant	Transfer or Lay-off	DROs		DROs		DROs		Item Total	Item Total		
							Total	General Fund	Total	General Fund	Total	General Fund				
1	PW	Allow telecommunications companies to place small-scale cellular phone antennae and cabinets within the public right-of-way for a fee per location					43,200	43,200	-	-	-	-	43,200		43,200	
2	PW	Allow non-telecommunications companies to place antennae and optical repeaters on existing streetlight/utility poles for a fee per location					20,000	20,000	-	-	-	-	20,000		20,000	
3	PW	Provide construction and inspection services for March Health Care Facility by current Land Development staff on a fee-for-service basis					40,000	40,000	-	-	-	-	40,000	40,000		
4	PW	Implement Assembly Bill 939 (AB 939) Fee to fund State-mandated waste diversion/recycling programs thereby eliminating any General Fund subsidy and allowing for reestablishment of staffing to pre-DRO levels to address mandated program expansions					46,208	46,208	-	-	-	-	46,208	46,208	40,000	46,208
5	PW	Transfer funding for Concrete Maintenance Program to Gas Tax/Traffic Congestion Relief Fund	3.0	FTC	Filled	Transfer	360,300	360,300	-	-	-	-	360,300	360,300		360,300
6	PW	Transfer funding for Signing & Striping Program to Gas Tax/Traffic Congestion Relief Fund	5.0	FTC	Filled	Transfer	811,500	811,500	-	-	-	-	811,500	811,500		811,500
7	PW	Transfer funding for Crossing Guard Program to Gas Tax/Traffic Congestion Relief Fund	37.0	35	FTC Temp	Filled Transfer	583,439	583,439	-	-	-	-	583,439	583,439		583,439
8	PW	Capital Projects/Land Development Personnel Reorganization involving the transfer of (2) filled FTC positions and lay-off of (1) FTC position	3.0	2	FTC	Filled Transfer Lay-off	110,980	110,980	-	-	-	-	110,980	110,980		110,980
9	PW	Increase subsidy to Gas Tax to meet Maintenance of Effort requirement for Measure A funds; or increase GF budgets to meet MoE.					(336,000)	(336,000)	-	-	-	-	(336,000)	(336,000)		(336,000)
10A	PW	To transfer graffiti abatement program for private properties to General Fund (activity does not meet Gas Tax restrictions)					(160,000)	(160,000)	-	-	-	-	(160,000)	(160,000)		(160,000)
10B	PW	Eliminate private property graffiti removal					160,000	160,000	-	-	-	-	160,000	160,000		160,000
Public Works Total			48.0				1,679,627	1,679,627	-	-	-	-	1,679,627	1,679,627	40,000	1,639,627

City of Moreno Valley
 2011-12 Deficit Reduction Option (DRO) Detail
 GENERAL FUND Public Works

Dept Rank	Dept	Description of Program/Function or Activity	STAFFING IMPACT				FY 2011-2012		FY 2012-2013		FY 2013-2014		Total per line Item	Total per line Item	One-time (Limited) DROs	(Structural) Recurring DROs
			City No.	P/T Imp	FTC	Filled/ Vacant	Transfer or Lay-off	Total	General Fund	Total	General Fund	Total				
DRO Position Summary Listing																
FTC (Full-time Career)																
		Filled - Lay-off	1.0													
		Filled - Transfer to other funding sources	12.0													
		Vacant	0.0													
		Total FTC					13.0									
Part-time (P/T)																
		Filled - Lay-off	0.0													
		Filled - Transfer to other funding sources	0.0													
		Vacant	0.0													
		Total P/T					0.0									
Temporary (Temp)																
		Filled - Lay-off	0.0													
		Filled - Transfer to other funding sources	35.0													
		Vacant	0.0													
		Total Temp					35.0									
Department Total																
													<u><u>48.0</u></u>			

City of Moreno Valley
2011-12 Deficit Reduction Option (DRO) Detail
GENERAL FUND Non-Departmental

Rank	Dept	Description of Program/Function or Activity	STAFFING IMPACT				FY 2011-2012		FY 2012-2013		FY 2013-2014		Total per line item		One-time (Limited) DROs	Total per line item	(Structural) Recurring DROs	
			City No.	P/T	Imp	Filled/ Vacant	Transfer or Lay-off	DROs		DROs		DROs		Gen Fund				Total
								Total	General Fund	Total	General Fund	Total	General Fund					
1	Dept	Refund 1997 Lease Revenue Bonds via Private Placement						60,000	-	-	-	60,000	60,000		60,000	60,000		
2	Dept	Reduce or Eliminate General Fund support for MVTV3						300,000	-	-	-	300,000	300,000		300,000	300,000		
3	Dept	Stop paying into the OPEB Trust for a period of years						450,000	450,000	450,000	450,000	450,000	1,350,000	1,350,000	1,350,000	-		
4	Dept	Non-3rd Tier Benefit Plan for new hires after July 1, 2011						100,000	-	-	-	100,000	100,000	100,000	100,000	100,000		
6	Dept	Decrease subsidy to Library						100,000	-	-	-	100,000	100,000	100,000	100,000	100,000		
7	Dept	Subsidy to Zone B						(675,000)	-	-	-	(675,000)	(675,000)	(675,000)	(675,000)	(675,000)		
		Non-Departmental Total						335,000	450,000	450,000	450,000	450,000	1,235,000	1,235,000	1,350,000	(115,000)		

GRAND TOTAL CITY-WIDE GENERAL FUND	6,534,039	6,131,544	4,689,335	4,689,335	3,329,243	3,329,243	14,552,617	14,150,122	2,229,183	11,920,939
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GENERAL FUND
DRO Position Summary Listing

FTC (Full-time Career)	
Filled - Lay-off	19.0
Filled - Transfer to other funding sources	12.0
Vacant	3.0
Total FTC	34.0
Part-time (P/T)	
Filled - Lay-off	2.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total P/T	2.0
Temporary (Temp)	
Filled - Lay-off	8.0
Filled - Transfer to other funding sources	35.0
Vacant	0.0
Total Temp	43.0

City-wide GENERAL FUND Total	79.0
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City of Moreno Valley
2011-12 DRO Detail
NON-GENERAL FUND Library

Dept Rank	Description of Program/Function or Activity	STAFFING IMPACT				Transfer or Lay-off	FY 2011-2012		FY 2012-2013		FY 2013-2014		Total per line Item Total	One-time (Limited) DROs	Total per line Item Total	One-time (Structural) Recurring DROs
		City No.	P/T	Temp	Filled/ Vacant		DROs		DROs		DROs					
							Total	General Fund	Total	General Fund	Total	General Fund				
1	Library Increase overdue fines (audio & books)						14,100	-	-	-	-	14,100	-	-	14,100	
2	Library Reduce Subscriptions & Books by 50%						54,371	-	-	-	-	54,371	-	-	54,371	
3	Library Defund 3 library assistant positions and close computer lab	3.0			Filled	Lay-off										
			2 P/T		Filled	Lay-off										
3	Library Defund 2 positions (1 librarian, 1 library assistant) and reduce library hours open	2.0	1 Temp		Filled	Lay-off		177,039	-	5,222	-	182,261	-	-	182,261	
			1 P/T		Filled	Lay-off										
4	Library	2.0	1 Temp		Filled	Vacant		-	-	65,670	-	65,670	-	-	65,670	
			1 Temp		Filled	Vacant										
	Library Total	5.0					68,471	-	177,039	-	70,892	316,402	-	-	316,402	

DRO Position Summary Listing

FTC (Full-time Career)	
Filled - Lay-off	0.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total FTC	0.0
Part-time (P/T)	
Filled - Lay-off	3.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total P/T	3.0
Temporary (Temp)	
Filled - Lay-off	1.0
Filled - Transfer to other funding sources	0.0
Vacant	1.0
Total Temp	2.0

Department Total

5.0

City of Moreno Valley
2011-12 DRO Detail

NON-GENERAL FUND Financial & Administrative Services

Dept Rank	Dept	Description of Program/Function or Activity	STAFFING IMPACT				FY 2011-2012		FY 2012-2013		FY 2013-2014		Total per line Item Total	Total per line Item Gen Fund	One-time (Limited) DROs	(Structural) Recurring DROs
			City No.	P/T Imp	Filled/ Vacant	Transfer or Lay-off	DROs		DROs		DROs					
							Total	General Fund	Total	General Fund	Total	General Fund				
3	FASD	Reduce budgeted utility costs at City Hall (Facilities)					50,000	-	-	-	-	50,000	-	-	50,000	
4	FASD	Eliminate contingency funds in various business units (Facilities)					149,500	-	-	-	-	149,500	-	-	149,500	
7	FASD	Reduce Training & Travel (Facilities)					4,000	-	-	-	-	4,000	-	-	4,000	
9	FASD	Eliminate expenditure line item budgets (Tech Svcs)					376,300	-	68,100	-	197,450	641,850	-	-	641,850	
16	FASD	Defund Facilities Maintenance Supervisor (Facilities)	1.0		Filled	Retire	85,482	-	-	-	-	85,482	-	-	85,482	
22	FASD	Defund GIS Technician (Tech Svcs)	1.0		Filled	Lay-off	-	-	73,581	-	-	73,581	-	-	73,581	
23	FASD	Defund IT Technician (Tech Svcs)	1.0		Filled	Lay-off	-	-	-	-	86,541	86,541	-	-	86,541	
Financial & Administrative Services Total			3.0				665,282	-	141,681	-	283,991	1,090,954	-	-	1,090,954	

DRO Position Summary Listing

FTC (Full-time Career)	
Filled - Lay-off	3.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total FTC	3.0
Part-time (P/T)	
Filled - Lay-off	0.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total P/T	0.0
Temporary (Temp)	
Filled - Lay-off	0.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total Temp	0.0

Department Total

3.0

City of Moreno Valley
2011-12 DRO Detail
NON-GENERAL FUND Parks & Community Services

Dept Rank	Description of Program/Function or Activity	STAFFING IMPACT				FY 2011-2012		FY 2012-2013		FY 2013-2014		Total per line Item Total	Total per line Item Total	One-time (Limited) DROs	(Structural) Recurring DROs
		City No.	FTC P/T Imp	Filled/ Vacant	Transfer or Lay-off	Total	General Fund	Total	General Fund	Total	General Fund				
1	Parks Line Items Savings											439,145	439,145		439,145
2	Parks Contract Out Cottonwood Golf Center											33,000	33,000		33,000
3	Parks Defund Vacant Sr. Park Ranger Position	1.0	FTC	Vacant								66,256	66,256		66,256
4	Parks Charge participants in the ASES/STARS program a fee. (OPTION 1)											200,000	200,000		200,000
5	Parks Contract Out ASES/STARS Program (OPTION 2)											670,000	670,000		670,000
Parks & Community Services Total		1.0										1,408,401	1,408,401		1,408,401

DRO Position Summary Listing

FTC (Full-time Career)	
Filled - Lay-off	0.0
Filled - Transfer to other funding sources	0.0
Vacant	1.0
Total FTC	1.0
Part-time (P/T)	
Filled - Lay-off	0.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total P/T	0.0
Temporary (Temp)	
Filled - Lay-off	0.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total Temp	0.0

Department Total

1.0

City of Moreno Valley
2011-12 DRO Detail
NON-GENERAL FUND Public Works

Dept	Rank	Description of Program/Function or Activity	STAFFING IMPACT				Transfer or Lay-off	FY 2011-2012			FY 2012-2013			FY 2013-2014			Total per line Item	Total per line Item	One-time (Limited) DROs	(Structural) Recurring DROs
			City No.	P/T Imp	Filled/ Vacant	FTC		DROs			DROs			DROs						
								Total	General Fund	Total	General Fund	Total	General Fund	Total	General Fund					
1 PW-Gas Tax		Capital Projects Personnel Reorganization/Staff Reduction involving the lay-off of (1) filled FTC position	1.0		Filled			152,880	-	-	-	-	-	-	-	152,880	-		152,880	
2 PW-Gas Tax		Capital Projects/Transportation Engineering Personnel Reorganization and Duty Reassignment involving cessation of work on capital projects by Transportation Engineering Staff and transfer of (1) filled FTC position from Capital Projects back to Transportation Engineering	1.0		Filled			345,312	-	-	-	-	-	-	-	345,312	-		345,312	
3 PW-Gas Tax		Capital Projects/Moreno Valley Utility Personnel Reorganization involving the transfer of (1) filled FTC position	1.0		Filled			101,949	-	-	-	-	-	-	-	101,949	-		101,949	
4 PW-Gas Tax		Capital Projects/Land Development Personnel Reorganization involving the transfer of (2) filled FTC positions and lay-off of (1) FTC position (positions listed in Gen Fund DRO)						20,252	-	-	-	-	-	-	-	20,252	-		20,252	
6 PW-Gas Tax		Provide Project Management and Inspection for Flood Control District with current Capital Projects Staff on a fee-for-service basis						400,000	-	-	-	-	-	-	-	400,000	-		400,000	
7 PW-Gas Tax		Implement Street Maintenance Hauler Mitigation Fee to mitigate distressed pavement caused by waste collection vehicle traffic thereby decreasing/eliminating Traffic Congestion Relief Fund subsidy of street maintenance efforts and reestablishing the use of these funds for capital improvement projects						-	1,000,000	-	-	-	-	-	-	1,000,000	-		1,000,000	
1 PW-Sp. Dist.		Special Districts/Moreno Valley Electric Utility Personnel Reorganization/Staffing Reduction involving the defunding of (1) vacant FTC position, transfer of (1) filled FTC position and lay-off of (3) filled FTC positions	4.0		Filled			438,366	-	-	-	-	-	-	-	438,366	-		438,366	
2 PW-Sp. Dist.		Special Districts Staffing Reduction involving the lay-off of (1) filled FTC position in the event that the ballot measure for an increase of assessment fee levels is not approved	1.0		Filled			-	-	86,961	-	-	-	-	-	86,961	-		86,961	

City of Moreno Valley
2011-12 DRO Detail
NON-GENERAL FUND Public Works

Dept Rank	Description of Program/Function or Activity	STAFFING IMPACT				Transfer or Lay-off	FY 2011-2012		FY 2012-2013		FY 2013-2014		Total per line Item Total	Total per line Item Total	One-time (Limited) DROs	Recurring DROs
		FTC	P/T	Imp	Filled/ Vacant		DROs		DROs		DROs					
		City No.	No.	No.	No.		General Fund	Total	General Fund	Total	General Fund	Total				
1	PW-Strmwtr															
	Implement Greenfield Storm Drain Utility for all new development to mitigate necessary expansion of street sweeping and catch basin cleaning programs due to increased street and catch basin infrastructure attributable to new development															
	Implement Street Sweeping Mitigation Fee for Waste Hauling Services to be placed on all commercial accounts to mitigate the impact of debris, trash and other organic material in streets and gutters coming from commercial, industrial and multi-family occupancies and, thereby, eliminate the current subsidies of the Street Sweeping Program from Gas Tax and Air Quality Management District funds and reestablish the use of these funds for general street maintenance and transportation capital projects/programs, respectively															
2	PW-Strmwtr															
	Public Works Total	8.0						1,458,759	362,743	1,449,704	-	-	362,743	2,908,463	-	362,743

DRO Position Summary Listing

FTC (Full-time Career)	
Filled - Lay-off	5.0
Filled - Transfer to other funding sources	3.0
Vacant	0.0
Total FTC	8.0
Part-time (P/T)	
Filled - Lay-off	0.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total P/T	0.0
Temporary (Temp)	
Filled - Lay-off	0.0
Filled - Transfer to other funding sources	0.0
Vacant	0.0
Total Temp	0.0
Department Total	8.0

City of Moreno Valley
2011-12 DRO Detail
NON-GENERAL FUND Total

Rank	Dept	Description of Program/Function or Activity	STAFFING IMPACT			Transfer or Lay-off	FY 2011-2012		FY 2012-2013		FY 2013-2014		Total per line Item Gen Fund	One- time (Limited) DROs	(Structural) Recurring DROs
			City No.	FTC P/T	Filled/ Vacant		Total	Total	Total	Total	Total				
GRAND TOTAL CITY-WIDE NON-GENERAL FUND															
							3,600,913	-	1,768,424	-	354,883	-	5,724,220	-	5,724,220

Non-GENERAL FUND

DRO Position Summary Listing

FTC (Full-time Career)															
Filled - Lay-off			8.0												
Filled - Transfer to other funding sources			3.0												
Vacant			1.0												
Total FTC							12.0								
Part-time (P/T)															
Filled - Lay-off			3.0												
Filled - Transfer to other funding sources			0.0												
Vacant			0.0												
Total P/T							3.0								
Temporary (Temp)															
Filled - Lay-off			1.0												
Filled - Transfer to other funding sources			0.0												
Vacant			1.0												
Total Temp							2.0								

Department Total

17.0

CITY MANAGER'S REPORT

**(Informational Oral Presentation only –
not for Council action)**

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