

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF
THE CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY
BOARD OF LIBRARY TRUSTEES

February 12, 2013

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 951.413.3705 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.

Marcelo Co, Mayor Pro Tem
Jesse L. Molina, Council Member

Tom Owings, Mayor

Richard A. Stewart, Council Member
Victoria Baca, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
February 12, 2013

CALL TO ORDER

SPECIAL PRESENTATIONS

1. NAIOP Commercial Real Estate Development Association – Inland Empire Chapter Award Presentation to City of Moreno Valley as Public Partner of the Year 2012
2. Recognition of Shor Denny, Program Coordinator, Moreno Valley Safe Routes to School
3. Business Spotlight
 - a) Steer 'n Stein Restaurant
 - b) Office Depot

**AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF THE
CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY
AND THE BOARD OF LIBRARY TRUSTEES**

***THE CITY COUNCIL RECEIVES A SEPARATE STIPEND FOR CSD
MEETINGS***

**REGULAR MEETING - 6:30 PM
FEBRUARY 12, 2013**

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency, Housing Authority 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 - Captain Julius Murphy, The Salvation Army - Moreno Valley Corp

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.

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 Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JANUARY 22, 2013 (Report of: City Clerk's Department)

Recommendations

1. Approve as submitted.

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

Recommendations

1. Approve as submitted.

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 JANUARY 22, 2013 (Report of: City Clerk's Department)

Recommendation:

1. Approve as submitted.

C. CONSENT CALENDAR - HOUSING AUTHORITY

C.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JANUARY 22, 2013 (Report of: City

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Clerk's Department)

Recommendation:

1. 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 JANUARY 22, 2013 (Report of: City Clerk's Department)

Recommendation:

1. Approve as submitted.

E. PUBLIC HEARINGS - None

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.

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

G. REPORTS

G.1 PROPOSED RESOLUTION AMENDING THE RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES (ITEM CONTINUED FROM JANUARY 22, 2013, BY A 5-0 VOTE)

(Report of: City Manager Department)

Recommendations That the City Council:

1. Adopt Resolution No. 2013-10 repealing Resolution No. 2011-117 and adopting amended and restated Rules of Procedure for Council Meetings and Related Functions and Activities.

Resolution No. 2013-10

A Resolution of the City Council of the City of Moreno Valley, California, Repealing Resolution 2011-117, and Adopting Amended and Restated Rules of Procedure for City Council Meetings and Related Functions and Activities

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2. Approve a change in practice and direct staff to begin televising City Council study sessions.

G.2 APPROVE A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AUTHORIZING THE TRANSFER OF THE REMAINING BOND PROCEEDS FROM THE 2007 TAX ALLOCATION BONDS SERIES A FROM THE SUCCESSOR AGENCY TO THE CITY OF MORENO VALLEY TO COMPLETE THE REMAINING BOND FUNDED PROJECTS
(Report of: Financial & Management Services Department)

Recommendations That the City Council:

1. Acting in their capacity as the Successor Agency, approve Resolution No. SA 2013-01 authorizing and directing the transfer of all remaining bond proceeds from the 2007 Tax Allocation Bonds, Series A, from the Successor Agency to the City of Moreno Valley to complete the remaining bond funded projects.

Resolution No. SA 2013-01

A Resolution of the Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley Authorizing the Transfer of all Remaining Bond Proceeds From the 2007 Tax Allocation Bonds Series A From the Successor Agency to the City of Moreno Valley to Complete the Remaining Bond Funded Projects

G.3 APPROVE A RESOLUTION OF THE CITY OF MORENO VALLEY AUTHORIZING THE RECEIPT OF THE REMAINING BOND PROCEEDS FROM THE 2007 TAX ALLOCATION BONDS SERIES A FROM THE SUCCESSOR AGENCY TO COMPLETE THE BOND FUNDED PROJECTS AND AUTHORIZING THE ESTABLISHMENT OF THE REQUIRED FUNDS AND ACCOUNTS FOR ACCOUNTING PURPOSES
(Report of: Financial & Management Services Department)

Recommendations That the City Council:

1. Approve Resolution No. 2013-11 authorizing the receipt of remaining bond proceeds from the 2007 Tax Allocation Bonds, Series A, from the Successor Agency of the Community Redevelopment Agency of the City of Moreno Valley, and direct the City to complete the remaining bond funded projects and authorizing and directing staff to establish all funds and accounts necessary to record and report on the expenditure of bond proceeds for accounting purposes.

Resolution No. 2013-11

A Resolution of the City Council of the City of Moreno Valley,

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California, Authorizing the Receipt of Remaining Bond Proceeds From the 2007 Tax Allocation Bonds Series A From the Successor Agency to Complete the Remaining Bond Funded Projects and Authorizing the Establishment of the Required Funds and Accounts for Accounting Purposes

G.4 RECEIVE AND FILE A REPORT DISCUSSING THE STATE DEPARTMENT OF FINANCE'S DETERMINATION OF THE SUCCESSOR AGENCY OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY'S LOW AND MODERATE INCOME HOUSING FUNDS

(Report of: Financial & Management Services Department)

Recommendations That the City Council:

1. Receive and file the staff report discussing the State Department of Finance's Determination of the Successor Agency of the Community Redevelopment Agency of the City of Moreno Valley's low and moderate income housing funds.

G.5 CITY ATTORNEY'S REPORT (Informational Oral Presentation - not for Council action)

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

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION

H.1.1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 2 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, BY ADDING A NEW CHAPTER 2.64, CREATING A JULY 4TH ADVISORY BOARD (Report of: Parks & Community Services Department)

Recommendations That the City Council:

1. Introduce Ordinance No. 860, an Ordinance of the City of Moreno Valley, California, amending Title 2 of the City of Moreno Valley Municipal Code, by adding a new Chapter 2.64, creating a July 4th Advisory Board.

Ordinance No. 860

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 2 of the City of Moreno Valley Municipal Code, by Adding a New Chapter 2.64, Creating a July 4th Advisory

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Board

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, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OR HOUSING AUTHORITY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/City as Successor Agency for the Community Redevelopment Agency/Housing Authority 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, City as Successor Agency for the Community Redevelopment Agency and Housing Authority 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

CERTIFICATION

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, certify that the City Council Agenda was posted in the following places pursuant to City of Moreno Valley Resolution No. 2007-40:

City Hall, City of Moreno Valley
14177 Frederick Street

Moreno Valley Library
25480 Alessandro Boulevard

Moreno Valley Senior/Community Center
25075 Fir Avenue

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Jane Halstead, CMC,
City Clerk

Date Posted: 2/6/2013

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MINUTES
CITY COUNCIL JOINT MEETING OF THE CITY OF MORENO VALLEY
January 22, 2013

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Presentation by The Gas Company/Sempra Utilities to the Moreno Valley Black Chamber of Commerce Community Foundation for Project Green Energy Technology and Math Academy "GETMA"

**MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY
BOARD OF LIBRARY TRUSTEES
MORENO VALLEY HOUSING AUTHORITY
MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)
MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA)
MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)
REGULAR MEETING – 6:30 PM
January 22, 2013**

CALL TO ORDER

The Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, Moreno Valley Housing Authority and the Board of Library Trustees was called to order at 6:33 p.m. by Mayor Tom Owings in the Council Chamber located at 14177 Frederick Street

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Christopher Baca.

INVOCATION - Pastor OJ Philpot, Christ Community Church

ROLL CALL

Council:

Tom Owings	Mayor
Marcelo Co	Mayor Pro Tem
Jesse L. Molina	Council Member
Richard A. Stewart	Council Member
Victoria Baca	Council Member

Staff:

City Clerk Jane Halstead	City Clerk
Kathy Gross	Executive Assistant

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Henry T. Garcia
Richard Teichert
Suzanne Bryant
Michelle Dawson
Brandon Ford
Ahmad Ansari
Barry Foster
Tom DeSantis
Mike McCarty

City Manager
Financial & Management Services Director
Acting City Attorney
Assistant City Manager
Lieutenant
Public Works Director
Community & Economic Development Director
Administrative Services Director
Parks & Community Services Director

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 Tom Owings opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert (A.10).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - SPECIAL MEETING OF DECEMBER 18, 2012 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.3 MINUTES - CEREMONIAL SPECIAL MEETING OF JANUARY 2, 2013 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.4 MINUTES - REGULAR MEETING OF JANUARY 8, 2013 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.5 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

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Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of January 2 – 15, 2013.

- A.6 APPROVAL OF PAYMENT REGISTER FOR OCTOBER, 2012
(Report of: Financial & Management Services Department)

Recommendation:

Adopt Resolution No. 2013-02, approving the Payment Register for the month of October, 2012 in the amount of \$16,850,964.14.

Resolution No. 2013-02

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Payment Register for the Month of October, 2012.

- A.7 APPROVAL OF PAYMENT REGISTER FOR NOVEMBER, 2012
(Report of: Financial & Management Services Department)

Recommendation:

Adopt Resolution No. 2013-03, approving the Payment Register for the month of November, 2012 in the amount of \$11,149,687.42.

Resolution No. 2013-03

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Payment Register for the Month of November, 2012.

- A.8 TRACT MAP 31129 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING LANDON ROAD, SAND DOLLAR WAY, WINDWARD COURT, CONCH LANE, TRADEWINDS PLACE, DOVER DRIVE, LEEWARD WAY, SLUMBER LANE, DUSTY COYOTE AVENUE, AND THE PORTIONS OF BRODIAEA AVENUE AND CACTUS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY’S MAINTAINED STREET SYSTEM
(Report of: Community & Economic Development Department)

Recommendations

1. Adopt Resolution No. 2013-04 Authorizing the Acceptance of the Public Improvements within Tract Map 31129 as Complete and Accepting Landon Road, Sand Dollar Way, Windward Court, Conch Lane, Tradewinds Place, Dover Drive, Leeward Way, Slumber Lane, Dusty Coyote Avenue, and the Portions of Brodiaea Avenue and Cactus Avenue Associated with the Project into the City’s Maintained

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Street System.

Resolution No. 2013-04

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Tract Map 31129 and Accepting Landon Road, Sand Dollar Way, Windward Court, Conch Lane, Tradewinds Place, Dover Drive, Leeward Way, Slumber Lane, Dusty Coyote Avenue, and the Portions of Brodiaea Avenue and Cactus Avenue Associated with the Project into the City's Maintained Street 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 AWARD CONSTRUCTION CONTRACT FOR THE BALLISTIC RESISTANT GLASS PROJECT FOR THE POLICE DEPARTMENT'S LOBBY PROJECT NO. JLL12/13-05
(Report of: Police Department)

Recommendations

1. Award the construction contract to Rasmussen Brothers Construction (RBC), Inc. 40441 Gavilan Mountain Road, Fallbrook, Ca. 92028. RBC Inc. submitted the lowest responsible bid, for the Moreno Valley Police Department Ballistic Resistant project for the lobby.
2. Authorize the City Manager to execute a contract with RBC Inc.
3. Authorize the issuance of a purchase order to RBC Inc. in the amount of \$166,378.00 once the contract has been signed by all parties.
4. Authorize the Police Chief to execute any subsequent change orders to the contract with RBC Inc., up to but not to exceed the project contingency funds of \$16,245.00.
5. Authorize the Financial & Administrative Services Director to record the Notice of Completion once the work is completed, accept the improvements into the City's maintained system, and release the retention to RBC Inc., if no claims are filed against the project.

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- A.10 AUTHORIZE THE SEVENTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH PARSONS TRANSPORTATION GROUP FOR SR-60/NASON OVERCROSSING AND SR-60/MORENO BEACH DRIVE IMPROVEMENTS, PHASES 1 AND 2 – PROJECT NOS. 802 0003 70 77-4821, 801 0038 70 77-4821, AND 801 0021 70 77-3003
(Report of: Public Works Department)

Recommendations

1. Approve the Seventh Amendment to the Agreement for Professional Consultant Services with Parsons Transportation Group Inc. (Parsons), 1133 Fifteenth Street NW, Washington, DC 20005-2701, to provide landscape and right-of-way design services for the SR-60/Nason Overcrossing project, provide design changes required for Caltrans approval of SR-60/Moreno Beach Drive Interchange Phase 1, and provide additional right-of-way services for SR-60/Moreno Beach Drive Interchange Phase 2.
 2. Authorize the City Manager to execute the Seventh Amendment to Agreement for Professional Consultant Services with Parsons.
 3. That the City Council as the Successor Agency, approve this action as a recognized payment obligation of the former Redevelopment Agency of the City of Moreno Valley, add it to the Recognized Obligation Payment Schedule, submit same to the Oversight Board for Approval, and authorize the City Manager to access agency funds only after Oversight Board and State Department of Finance approval.
 4. Authorize Change Orders to increase Purchase Order Numbers 2013-00000892, 2013-00000788, and 2013-00000925 with Parsons Transportation Group totaling \$257,505.00 to be funded from Account Numbers 4821-70-77-80002 (\$117,175.00), 4821-70-77-80001 (\$121,530.00) and 3003-70-77-80001 (\$18,800.00), if and when the Seventh Amendment has been signed by all parties.
- A.11 PA06-0017, P12-146 – APPROVAL OF PROPOSED RESOLUTION FOR THE VACATION OF A PORTION OF MARIPOSA AVENUE FROM PERRIS BOULEVARD TO 1,920 FEET EAST
(Report of: Community & Economic Development Department)

Recommendations

1. Adopt the Resolution No. 2013-09, vacating a portion of Mariposa Avenue.

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Resolution No. 2013-09

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Vacation of a Portion of Mariposa Avenue from Perris Boulevard to 1,920 Feet East

2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recording.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - SPECIAL MEETING OF DECEMBER 18, 2012 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

B.3 MINUTES - CEREMONIAL SPECIAL MEETING OF JANUARY 2, 2013 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

B.4 MINUTES - REGULAR MEETING OF JANUARY 8, 2013 (Report of: City Clerk's Department)

C. CONSENT CALENDAR - HOUSING AUTHORITY

C.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - SPECIAL MEETING OF DECEMBER 18, 2012 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

C.3 MINUTES - CEREMONIAL SPECIAL MEETING OF JANUARY 2, 2013 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

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C.4 MINUTES - REGULAR MEETING OF JANUARY 8, 2013 (Report of: City Clerk's Department)

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 JANUARY 8, 2013 (Report of: City Clerk's Department)

Motion to Approve Joint Consent Calendar Items A.1 through D.2 by m/Mayor Pro Tem Marcelo Co, s/Council Member Victoria Baca

Approved by a vote of 5-0.

ADJOURNMENT OF THE CITY COUNCIL MEETING TO THE ANNUAL/REGULAR MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

ANNUAL/REGULAR MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

CALL TO ORDER AT 6:40 P.M.

ROLL CALL

Tom Owings	Chairperson
Marcelo Co	Vice Chairperson
Victoria Baca	Board Member
Jesse L. Molina	Board Member
Richard A. Stewart	Board Member

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CORPORATION

SPECIAL ORDER OF BUSINESS

Chairperson Owings opened the agenda item for public comments; there being none, public comments were closed.

- 1 There are no reports or issues before the Corporation.

ADJOURNMENT OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC) TO THE ANNUAL/REGULAR MEETING OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY(MVPFA)

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ANNUAL/REGULAR MEETING OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA)

CALL TO ORDER AT 6:47 P.M.

ROLL CALL

Tom Owings	Chairperson
Marcelo Co	Vice Chairperson
Victoria Baca	Board Member
Jesse L. Molina	Board Member
Richard A. Stewart	Board Member

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE AUTHORITY

SPECIAL ORDER OF BUSINESS

Chairperson Owings opened the agenda item for public comments; there being none, public comments were closed.

- 1 There are no reports or issues before the Authority.

ADJOURNMENT OF THE MORENO VALLEY PUBLIC FINANCING AUTHORITY (MVPFA) TO THE ANNUAL/REGULAR MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

ANNUAL/REGULAR MEETING OF THE MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

CALL TO ORDER AT 6:49 P.M.

ROLL CALL

Tom Owings	Chairperson
Marcelo Co	Vice Chairperson
Victoria Baca	Board Member
Jesse L. Molina	Board Member
Richard A. Stewart	Board Member

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE AUTHORITY

SPECIAL ORDER OF BUSINESS

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Chairperson Owings opened the agenda item for public comments; there being none, public comments were closed.

- 1 There are no reports or issues before the Authority.

ADJOURNMENT OF THE ANNUAL/REGULAR MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA) TO THE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY AND THE HOUSING AUTHORITY

RECONVENE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY AND THE HOUSING AUTHORITY AT 6:50 P.M.

E. PUBLIC HEARINGS

- E.1 A PUBLIC HEARING FOR THE MARCH BUSINESS CENTER, A PROPOSED MASTER PLOT PLAN (PA11-0002) AND FOUR PLOT PLANS (PA11-0003 THROUGH -0006) TO CONSTRUCT FOUR WAREHOUSE/INDUSTRIAL BUILDINGS TOTALING 1,484,407 SQUARE FEET, TENTATIVE PARCEL MAP NO. 35879 (PA11-0007) TO SUBDIVIDE A 75.05 GROSS ACRE SITE INTO FOUR PARCELS, AND A GENERAL PLAN AMENDMENT (PA11-0001) AND SPECIFIC PLAN AMENDMENT (P11-004) TO REALIGN KRAMERIA AVENUE IN THE GENERAL PLAN CIRCULATION ELEMENT AND MORENO VALLEY INDUSTRIAL AREA PLAN (SP208). THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND IRIS AVENUE IN THE "I" (INDUSTRIAL) LAND USE DISTRICT. THE APPLICANT IS WESTERN REALCO, LLC AND THE REPRESENTATIVE IS HOGLE-IRELAND INC.

(Report of: Community & Economic Development Department)

Recommendations That the City Council:

1. APPROVE Resolution No. 2013-05 to CERTIFY an Environmental Impact Report (P11-005), including Statement of Overriding Considerations and the required Mitigation Monitoring Program attached as Exhibits A and B to the resolution for P11-004 (Specific Plan Amendment), PA11-0001 (General Plan Amendment), PA11-0002 through PA11-0006 (Master Plot Plan and Plot Plans) and PA11-0007 (Tentative Parcel Map No. 35879) pursuant to the California Environmental Quality Act (CEQA) Guidelines.

Resolution No. 2013-05

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January 22, 2013

A Resolution of the City Council of the City of Moreno Valley, California Certifying the Final Environmental Impact Report (P11-005), Adopting the Findings and Statement of Overriding Considerations, and Approving the Mitigation Monitoring Program for the Western Realco March Business Center Project, Generally Located on the Southeast Corner of Iris Avenue and Heacock Street

2. APPROVE Resolution No. 2013-06 for a General Plan Amendment (PA11-0001) and Specific Plan Amendment (P11-004) to amend the General Plan Circulation Element and Moreno Valley Industrial Area Plan (SP 208) to realign Krameria Street and change the designation from Arterial to Industrial Collector between Indian Avenue and Heacock Street.

Resolution No. 2013-06

A Resolution of the City Council of the City of Moreno Valley Approving a General Plan Amendment (PA11-0001) and Specific Plan Amendment (P11-004) to Amend the General Plan Circulation Element and Specific Plan No. 208 to Modify the Design and Classification of an Undeveloped Segment of Krameria Avenue Between Indian Avenue and Heacock Street from a Minor Arterial (88 Foot Right of Way) to an Industrial Collector (78 Foot Right Of Way)

3. APPROVE Resolution No. 2013-07 for a Master Plot Plan (PA11-0002) and Four Plot Plans (PA11-0003 through PA11-0006), to construct four warehouse/industrial buildings totaling 1,484,407 square feet in the I (Industrial) land use district, including conditions of approval.

Resolution No. 2013-07

A Resolution of the City Council of the City of Moreno Valley California Approving PA11-0002 Through PA11-0006 (Master Plot Plan and Four Individual Plot Plans) for an Approximate 1,484,407 Square Foot Industrial Warehouse Complex With Ancillary and Office Uses on an Approximately 75.05 Gross Acre (66.93 Net Acre) Portion of Land Generally Located on the Southeast Corner of Iris Avenue and Heacock Street

4. APPROVE Resolution No. 2013-08 for Tentative Parcel Map No. 35879 (PA11-0007) to subdivide a 75.05 gross acre site into four individual parcels, including conditions of approval.

MINUTES
January 22, 2013

Resolution No. 2013-08

A Resolution of the City Council of the City of Moreno Valley California Recommending Approval of PA11-0007 (Tentative Parcel Map No. 35879) for Four Separate Buildable Parcels Consisting of a Proposed Industrial Warehouse and Manufacturing Development Complex (1,484,407 Square Feet) on an Approximate 75.05 Gross Acre (66.93 Net Acre) Site Located on the Southeast Corner of Iris Avenue and Heacock Street

Recess;

Reconvene

Mayor Tom Owings opened the public testimony portion of the public hearing. Public testimony was received from Elena Santa Cruz, Ian MacMillan, Christopher Baca (support), Tom Thornsley, Jose Chavez (support) and Louise Palomarez.

Motion to Approve Recommendation No. 1 by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

Motion to Approve Recommendation No. 2 by m/Council Member Richard A. Stewart, s/Council Member Victoria Baca

Approved by a vote of 5-0.

Motion to Approve Recommendation No. 3 by m/Council Member Victoria Baca, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

Motion to Approve Recommendation No. 4 by m/Council Member Jesse L. Molina, s/Mayor Pro Tem Marcelo Co

Approved by a vote of 5-0.

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

None

MINUTES
January 22, 2013

G. REPORTS

G.1 ANNUAL REPORT OF ADVISORY BOARDS AND COMMISSIONS (ORAL PRESENTATIONS) (Report of: City Clerk's Department)

1. Planning Commission - Meli Van Netta
2. Traffic Safety Commission - Dr. Pete Rodine
3. Senior Citizens' Board - Day Townsend
4. Arts Commission - Rick Archer
5. Parks and Recreation Commission - by Mike McCarty
6. Environmental and Historical Preservation Board - Naime Quereshi
7. Library Commission - Sharon Clements
8. Recreational Trails Board

G.2 PROPOSED RESOLUTION AMENDING THE RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES (Report of: City Manager Department)

Recommendations That the City Council:

1. Adopt Resolution No. 2013-10 repealing Resolution No. 2011-117 and adopting amended and restated Rules of Procedure for Council Meetings and Related Functions and Activities.

Resolution No. 2013-10

A Resolution of the City Council of the City of Moreno Valley, California, Repealing Resolution 2011-117, and Adopting Amended and Restated Rules of Procedure for City Council Meetings and Related Functions and Activities

2. Approve a change in practice and direct staff to begin televising City Council study sessions.

Motion to Continue Item G.2 to the next Council meeting. by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina

Approved by a vote of 5-0.

MINUTES
January 22, 2013

G.3 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

No report

G.4 CITY ATTORNEY'S REPORT (Informational Oral Presentation - not for Council action)

No report

H. LEGISLATIVE ACTIONS

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

H.2 ORDINANCES - 2ND READING AND ADOPTION

H.2.1 ORDINANCE NO. 858 - AMENDING SECTION 12.20.020 OF CHAPTER 12.20 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE DECLARING PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS (RECEIVED INTRODUCTION ON JANUARY 8, 2013 BY A 5-0 VOTE) (Report of: Public Works Department)

Recommendations That the City Council:

1. Receive and file this report.
2. Adopt Ordinance No. 858, amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code declaring prima facie speed limits on certain streets (as listed on the ordinance). (Roll call required)

Ordinance No. 858

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code Relating to a Prima Facie Speed Limit for Certain Streets

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

Motion to Approve by m/Council Member Jesse L. Molina, s/Council Member Richard A. Stewart

Approved by a vote of 5-0.

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January 22, 2013

H.3 ORDINANCES - URGENCY ORDINANCES

- H.3.1 AN INTERIM URGENCY ORDINANCE OF THE CITY OF MORENO VALLEY, CALIFORNIA, PLACING A MORATORIUM ON THE ISSUANCE OF LAND USE ENTITLEMENTS IN FOUR DESIGNATED LOCATIONS ALONG THE SR-60 EAST CORRIDOR AREA (Report of: City Attorney Department)

Recommendations That the City Council:

Adopt Ordinance No. 859 an interim urgency ordinance of the City of Moreno Valley, California, placing a moratorium on the issuance of land use entitlements in four designated locations along the SR-60 east corridor area.

Ordinance No. 859

An Interim Urgency Ordinance of the City of Moreno Valley, California, Placing a Moratorium on the Issuance of Land Use Entitlements in Four Designated Locations Along the SR-60 East Corridor Area

Recess;

Reconvene.

Mayor Tom Owings opened the agenda item for public comments, which were received from Deanna Reeder (opposed), Pete Bleckert and Louise Palomarez.

Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Pro Tem Marcelo Co

Approved by a vote of 5-0.

H.4 RESOLUTIONS - NONE

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

Adolf Kruger

1. Noise Ordinance

Tyler Hansen

1. Newly started Neighborhood Watch on east end

MINUTES
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Jeff Giba

1. Vista Del Lago High School hosting Vision Warrior on February 12 & 13 - formal invitation

Deanna Reeder

1. Committee Assignments

Tom Jerele Sr.

1. Building Industry International Outlook
2. Industrial Development

Jose Chavez

1. Truck driving and special emmissions

Louise Palomarez

1. Education City Council and School Districts need to be on different days
2. Sierra Club
3. Harbor Freights

Tom Thornsley

1. City Council meetings conflict with other events
2. Requests earlier time zone for public comments for speaking during City Council meetings

Pete Bleckert

1. Parks lighting issues brought up at the last City Council meeting

**CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL,
COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OR HOUSING AUTHORITY**

Mayor Tom Owings

1. Jesse Molina, Tom Owings and the Chief of Police are visiting 95 businesses between Heacock and Indian to help make a better place, organize and make it a safer place.
2. Apology and facts of his belief, rights to opinion

MINUTES
January 22, 2013

3. Apology for sense of humor
4. Committee Assignments - confident in his decision of making the committee assignments. Decision has been made.

Council Member Victoria Baca

1. Attended the League of California Cities in Sacramento for newly elected Mayors and Council Members; attended the courses on the Brown Act and Land Uses as well as the Ethics Course.
2. Requested to Lobby Senator Cruz up north to expedite these lawsuits from the Sierra Club; lobby the CEQA courts to get these going.
3. Continued item G.2 on Rules of Procedures - Recommended that the Public Comments be moved to the beginning of the meeting.

Council Member Richard Stewart

1. Public Comments used to be early on and later were moved at the end of the meetings; both ways didn't work and finally they were modified to the 9:00 o'clock or earlier.
2. Several meetings throughout the County occur on the same night as council meetings (Tuesdays)
3. Questioned committee appointments and stated he represents 1/5 of the City and has support of his constituents.

Council Member Jesse Molina

1. RTA and the Go Pass - trying to get the Go Pass for the Moreno Valley campus, but voting didn't take place and he is trying to rectify.
2. Reminder of February 12 & 13 at 8:00 - 9:30 - The Retalk for the Future Education
3. Spike in Crime, be patient as the Police Departments' POP Team is working on it.
4. Feels for the homeless during this cold and wants to reach out to them and take them to the shelters.
5. Council needs to work together as Team Players
6. California losing jobs to Texas

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January 22, 2013

Mayor Pro Tem Marcelo Co

1. Agreed with Council Member Molina that we need to cooperate and help each other.
2. Council Member Molina comments on crime going up - burglaries and no results, there is room for improvement; asked for volunteers for police presence to help.
3. Hearing criticism on Sierra Club and the fact there are no jobs or not high paying jobs; need to find a solution; unemployment is high in the City; the Sierra Club doesn't serve the people.
4. Asked when cameras were coming in the City - Lt. Ford stated there are 16 locations and 3 cameras per location, and the installation just started. Hopefully it will be completed by early May.
5. Budget constraints and courts closing; more delays to come; hopes it won't be the Moreno Valley court.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 11:35 p.m. by unanimous informal consent.

CLOSED SESSION

A Closed Session of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency and Housing Authority was held in the City Manager's Conference Room, Second Floor, City Hall. The City Council met 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

Mayor Tom Owings opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder (Item 1b).

The Closed Session was held pursuant to Government Code:

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

a Case: *City of Moreno Valley v. PALP, Inc. dba Excel Paving*
MINUTES
January 22, 2013

Company, et al.
Court: San Bernardino Superior Court
Case No: CIVDS 1204401

- b Case: *City of Moreno Valley, Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, and Moreno Valley Housing Authority v. Paul Angulo, in his official capacity as the Auditor Controller of the County of Riverside, Elaine M. Howle, in her official capacity as the State Auditor of the State of California, Ana Matosantos, in her official capacity as Director of Finance for the State of California, et al.*
- Court: Sacramento Superior Court
Case No: Case No. 34-2012-80001350

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

Number of Cases: 5

3 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

City Attorney reported the Goodwin v City case (RIC 100017990) was settled for \$15,000. Approved by a 5-0 vote.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 12:03 a.m. by unanimous informal consent.

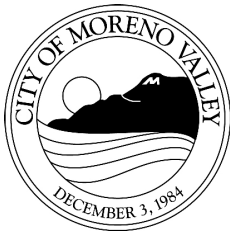
Submitted by:

Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, City as Successor Agency for the Community
Redevelopment Agency of the City of Moreno Valley
Secretary, Moreno Valley Housing Authority
Secretary, Board of Library Trustees

Approved by:

Tom Owings, Mayor
President, Moreno Valley Community Services District
Chairperson, City as Successor Agency for the Community
Redevelopment Agency of the City of Moreno Valley
Chairperson, Moreno Valley Housing Authority
Chairperson, Board of Library Trustees

MINUTES
January 22, 2013



Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: February 12, 2013

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Recommendation:

1. Receive and file the Reports on Reimbursable Activities for the period of January 16 - February 5, 2013.

<i>Reports on Reimbursable Activities</i>			
January 16 - February 5, 2013			
Council Member	Date	Meeting	Cost
Victoria Baca	1/16/13 - 1/18/13	League of California Cities 2013 New Mayors and Council Members Academy	\$1,323.20
	1/26/13	SVREP Latino Academy	\$200.00
Marcelo Co	1/25/13	Moreno Valley Chamber of Commerce Installation Dinner	\$75.00
	2/5/13	Moreno Valley Hispanic Chamber of Commerce Adelante	\$10.00
Jesse L. Molina	1/23/13	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley	\$15.00
	1/25/13	Moreno Valley Chamber of Commerce Installation Dinner	\$75.00
Tom Owings	1/16/13	Student of the Month	\$15.00
Richard A. Stewart		None	

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

Department Head Approval:
Jane Halstead
City Clerk

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

\\Zurich\shared\InterDept\Council-Clerk\City Clerk Files\Council Office\AB 1234 Reports\2013\Staff Report 2013_Reimbursable Activity 021213.doc

**MINUTES - REGULAR MEETING OF JANUARY 22, 2013
(Report of: City Clerk Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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**MINUTES - REGULAR MEETING OF JANUARY 22, 2013
(Report of: City Clerk Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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**MINUTES - REGULAR MEETING OF JANUARY 22, 2013
(Report of: City Clerk Department)**

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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APPROVALS	
BUDGET OFFICER	<i>[Signature]</i>
CITY ATTORNEY	<i>[Signature]</i>
CITY MANAGER	<i>[Signature]</i>

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Assistant City Manager

AGENDA DATE: February 12, 2013 (Continued from January 22, 2013)

TITLE: PROPOSED RESOLUTION AMENDING THE RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Adopt Resolution No. 2013-10 repealing Resolution No. 2011-117 and adopting amended and restated Rules of Procedure for Council Meetings and Related Functions and Activities.
2. Approve a change in practice and direct staff to begin televising City Council study sessions.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

The City Council first adopted Rules of Procedure for City Council Meetings and Related Functions and Activities pursuant to Resolution No. 84-17 on December 3, 1984 as required by Moreno Valley Municipal Code Section 2.04.040. The City Council has since repealed and re-adopted the Rules of Procedure pursuant to Resolution Nos. 99-53, 2001-55, 2003-17, and 2003-17. The current Rules of Procedure were enacted pursuant to Resolution No. 2011-117 on December 13, 2011.

DISCUSSION

The following amendments to the Rules of Procedure are proposed:

Revise the Order of Business: Section 1.1.2.1 sets forth the order of business on the regular City Council meeting agenda. The following revisions are proposed:

- Move the time for Special Presentations up from 6:00 p.m. to 5:30 p.m.
- Move the time for the Call to Order up from 6:30 p.m. to 6:00 p.m.
- Move the period for Public Comments on Matters Not on the Agenda to commence after Introductions and just before Public Comments on Matters on the Agenda
- Remove the Redevelopment Agency from the Consent Calendars and add the Housing Authority and Board of Library Trustees. This amendment will correct the Order of Business to reflect the current number of consent calendars on the agenda.

It is current practice that the City Council begins taking public comments if that part of the agenda has not been reached by approximately 9:00 p.m. This practice is not documented in the Rules of Procedure but has been a long-standing practice by the Council. In the same manner, it is proposed that, should the Public Hearing section of the agenda not commence by approximately 7:00 p.m. that these items be addressed at that time.

Revise the Number of Study Session Meetings: Section 1.4.4 states that regular Study Sessions shall be held on the third Tuesday of each month at 6:00 p.m. It is proposed that two study sessions be held each month by adding a study session on the first Tuesday of each month. Section 1.7.1 states that “Regular closed sessions shall be held at 6 p.m. on the first Tuesday of each month, and immediately following Regular City Council Meetings and Study Sessions, unless no closed session items are scheduled for that meeting.” It is proposed that this section be amended to read “Regular closed sessions shall be held immediately following Regular City Council Meetings and Study Sessions, unless no closed session items are scheduled for that meeting.”

Option to have the Mayor Pro Tem as a Presiding Officer at Special Presentations Sessions: Section 4.1.1 establishes the Mayor as the presiding officer at all meetings of the City Council, with the Mayor Pro Tem presiding in the Mayor’s absence. It is proposed that the Mayor may designate that the Mayor Pro Tem act as the presiding officer for the Special Presentation meetings.

Revise Voting Procedures to Eliminate Alphabetical Roll Call: Section 7.1 states that the order of voting shall be alphabetical by surname with the presiding officer voting last. It is proposed that the roll call vote shall be carried out by the City Clerk in a random order as determined by the City Clerk in her sole discretion. Please note that the Media and Communications Division is planning to upgrade the video and audio equipment in the Chamber in the summer and this project will include the installation of electronic voting equipment. Voting electronically will not require any roll call.

Additionally, Staff is proposing to begin televising study session meetings in order to make the information and discussion provided at these meetings available to Moreno Valley residents. The City's long-standing practice has been to conduct study session meetings in a less formal setting, with the City Council seated at discussion tables rather than the dais. If the City Council wishes to televise the study sessions, the meetings can still be conducted at the discussion tables but the camera angles and functions for the broadcasts will be limited.

ALTERNATIVES

1. Adopt Resolution No. 2013-10 repealing Resolution No. 2011-117 and adopting amended and restated Rules of Procedure for Council Meetings and Related Functions and Activities, attached to the Resolution as Exhibit 1 and approve a change in practice and direct staff to begin televising City Council study sessions.

Staff recommends this alternative.

2. Not adopt Resolution No. 2013-10 repealing Resolution No. 2011-117 and adopting amended and restated Rules of Procedure for Council Meetings and Related Functions and Activities, attached to the Resolution as Exhibit 1 and not approve a change in practice by directing staff to begin televising City Council study sessions.

Staff does not recommend this alternative.

FISCAL IMPACT

There would be no fiscal impacts from the proposals to eliminate alphabetical roll call voting and to designate the Mayor Pro Tem as the presiding officer at Special Presentations meetings. The additional annual cost to the City to add another study session meeting per month is approximately \$1,500 in overtime costs for MVTV-3 media personnel and approximately \$2,000 for the additional time for the Sheriffs Bailiff. Since the proposed date for the additional study session meeting is the same date of the monthly Closed Session meetings, there is no need to budget for an additional stipend to the Council.

ATTACHMENTS

Attachment 1 – Resolution No. 2013-10

Attachment 2 – Amended City Council Rules of Procedure

Attachment 3 – Amended City Council Rules of Procedure, Redline Version

Attachment 4 – PowerPoint Slides

Prepared By:
Michelle Dawson
Assistant City Manager

Council Action

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

RESOLUTION NO. 2013-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, REPEALING RESOLUTION 2011-117, AND ADOPTING AMENDED AND RESTATED RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES

WHEREAS, Section 2.04.040 of the City of Moreno Valley Municipal Code requires that the City Council adopt Rules of Procedure to govern the procedures and conduct of its meetings; and

WHEREAS, the City Council has previously adopted, repealed and re-adopted the City of Moreno Valley City Council Rules of Procedure for City Council Meetings and Related Functions and Activities pursuant to Resolution No. 84-17, Resolution No. 99-53, Resolution No. 2001-55, Resolution No. 2003-017 and Resolution No. 2011-117; and

WHEREAS, it is in the best interests of the City of Moreno Valley that the City Council further repeal, amend and re-adopt the Rules of Procedure for City Council Meetings and Related Functions and Activities; and

WHEREAS, in order to keep the Rules of Procedure for City Council Meetings and Related Functions and Activities readily accessible to the City Council and the public, it is desirable to have one document containing both the existing rules and the changes now being made,

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

1. Resolution No. 2011-117 is hereby repealed; and
2. The Rules of Procedure for City Council Meetings and Related Functions and Activities attached as Exhibit 1 to this Resolution are hereby adopted; and
3. The Rules of Procedure for City Council Meetings and Related Functions and Activities attached to this Resolution shall become effective immediately upon adoption.

APPROVED AND ADOPTED this 12th day of February, 2013.

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, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2013-10 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 13th day of December, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES**

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1. MEETINGS

1.1. REGULAR MEETINGS

1.1.1. TIME AND PLACE.

1.1.1.1. *Regular Time and Place.*

Regular meetings of the City Council shall be held on the second and fourth Tuesdays of each month at 6:00 p.m. in the City Council Chambers of City Hall or such other time and place as shall be specified by resolution of the City Council.

1.1.2. AGENDA.

1.1.2.1. **ORDER OF BUSINESS.**

The order of business of each regular meeting of the City Council shall be as set forth in the agenda prepared by the City Clerk. The agenda shall be a listing by topic of the subjects, numbered as designated by the City Clerk and taken up for consideration in substantially the following order:

Special Recognition/Presentations (5:30 p.m., if necessary)*

Call to Order (6:00 p.m.)

Pledge of Allegiance

Invocation

Roll Call

Introductions

Public Comments on Matters Not on the Agenda**

Public Comments on Matters on the Agenda***

A-D. Consent Calendars ****

City Council

Moreno Valley Community Services District

Housing Authority

Board of Library Trustees

E. Public Hearings

F. Items Pulled from Consent Calendars for Discussion or Separate Action

G. Reports

H. Legislative Actions

City Council Reports and Closing Comments

Public Comments on Matters on the Closed Session

Agenda*****
Closed Session, if needed
Report of Action from Closed Session

Adjournment

*See Section 1.2 below

** Public Comments on Matters Not on the Agenda are governed by Subsection 2.4.1 below and will be heard prior to City Council Reports and Closing Comments. Following public comments on matters not on the agenda, the Presiding Officer may request that staff respond to legal or factual issues raised during the public 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.

*** *The Presiding Officer will announce that public comments on matters on the agenda will be taken up as the item is called for business [Subsection 2.4.2 below], between staff's report and City Council deliberation.*

**** Consent calendars will begin immediately after Public Comments with the remaining items taken in the order of the agenda. Any consent calendar item(s), pulled for discussion or separate action will be heard immediately following the public hearings.

***** Public Comments on matters on the closed session agenda (if a closed session is held) are governed by Section 2.7 below.

1.1.2.2. CHANGES IN AGENDA.

Except with the consent of the majority of the City Council, items shall not be taken out of the order prescribed above. No matters other than those listed on the agenda shall be acted upon by the City Council except as permitted under applicable state law.

1.1.2.3. DELIVERY AND POSTING OF AGENDA

Barring insurmountable difficulties, the agenda for each regular meeting of the City Council, and reports and other documentation related thereto, shall be delivered to the Council members and made available to the public on the Thursday preceding the Tuesday

meeting to which the agenda pertains. The agenda shall conform to, and be posted in accordance with, applicable requirements of the California Government Code. Agendas shall be posted at least 72 hours prior to the time scheduled for the meeting on the bulletin board outside the City Council Chambers at City Hall and at such other places within the City as the City Council has designated for posting notices of City Council meetings.

1.1.3. ROLL CALL

Before proceeding with the business of the City Council, the City Clerk shall call the roll of the Council members and the names of those present shall be entered in the minutes. The order of roll call shall be alphabetical, except that the Mayor shall be called last.

1.1.4. APPROVAL OF MINUTES:

Unless requested by a majority of the City Council, minutes of the previous meeting may be approved without public reading if the City Clerk has previously furnished each Council member with a copy thereof.

1.1.5. PUBLIC HEARINGS

1.1.5.1. ORDER OF PROCEEDINGS.

Generally, public hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:

- Staff Review and Report
- Questions of Staff by City Council
- Hearing Opened by Mayor
- Presentation by Proponent, Applicant or Appellant
- Questions of Proponent, Applicant or Appellant by Council and/or Staff
- Public Testimony
- Rebuttal by Proponent, Applicant or Appellant
- If Desired, Hearing Closed
- Questions by City Council
- Discussion by City Council
- Action by City Council

1.1.5.2. PUBLIC TESTIMONY.

1.1.5.2.1. Time Limits.

Questions, comments, and testimony from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to

Speak on an issue, the presiding officer may, at the beginning of the hearing, limit testimony from the public, but in no event to less than 5 minutes per individual and no less than 20 minutes per hearing item. Any person may speak for a longer period of time, upon approval of the City Council, when this is deemed necessary in such cases as when a person is speaking as a representative of a group or has graphic or slide presentations requiring more time.

1.1.5.2.2. Testimony After Closure of Hearing.

Once the hearing has been closed, no additional public testimony will be taken without a majority vote of the City Council to reopen the hearing, even in cases where the item is continued to a future date for Council consideration. However, after the hearing has been closed, the Council may direct questions to the applicant or any other person who has testified during the hearing, and receive their answers, which shall be deemed to be part of the record of testimony at the hearing. In the event that public testimony is reopened to allow additional information or additional speakers, the proponent, applicant or appellant shall be permitted a reasonable time for rebuttal. Any request for reopening of the hearing shall be submitted in writing to the bailiff or to the City Clerk, who shall deliver it to the presiding officer in a manner calculated to be least disruptive to any proceedings under way.

1.1.5.2.3. Written Testimony.

Testimony submitted in written form may be added to the record of the hearing by motion and majority vote or consent of the City Council.

1.1.5.2.4. Testimony Under Oath.

In any hearing before the City Council, notice of which is to be published or posted, if the City Council or any member thereof, or a proponent or opponent of the matter, requests that any or all participants in the proceedings testify under oath or affirmation, the making of such request shall be set forth in the notice of hearing. Additionally, the notice of hearing shall state that the giving of testimony under oath or affirmation shall be voluntary as to each person wishing to be heard in the matter, and that any persons having a question or concern regarding the giving of testimony under oath or affirmation should consult an attorney of their own choosing and at their own expense. Each person

testifying under oath or affirmation in any such proceeding shall, before so testifying, state on the record agreement to testify under oath or affirmation in the matter and has had an opportunity to choose and to consult with an attorney in respect thereto. Upon request to the City Clerk, each Council member will receive sufficient notice, by phone, memo, fax or electronic mail prior to the time of publishing or posting of any hearing notice in order to make such a request.

1.1.5.3. QUASI-JUDICIAL HEARINGS.

Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the City Attorney shall advise the City Council in this regard.

1.1.6. CONSENT AGENDA

Items of routine nature, not anticipated to be controversial, may be placed on the consent calendar by the City Manager. All items may be approved by one blanket motion upon unanimous consent. Any Council member may request that any item be withdrawn from the consent agenda for separate consideration. Any Council member may abstain from voting on any consent agenda item without requesting its removal from the consent agenda, by orally stating intent to abstain as to a particular item. The City Clerk shall record such abstentions in the minutes.

1.1.7. CITY COUNCIL REPORTS AND COMMENTS

The Mayor or any Council member may, during the time for reports and comments by Council members, report on activities in representing the Council or the City on boards, committees, commissions, task forces, and other official bodies, before other governmental agencies and at public events. Each Council member may also bring to City Council's attention any item of new business under this portion of the agenda. Action on any matter of business not listed on the agenda shall be deferred until properly listed on the agenda for a subsequent City Council meeting unless properly added to the agenda due to a need for immediate action pursuant to state law. If two Council members concur that an item should be added to a future agenda, the Council shall give direction to staff as to whether the matter should be placed on the agenda for a regular Council meeting, a study session or a special meeting.

1.2. SPECIAL PRESENTATIONS.

In order to promote efficiency in handling the business of the City and to provide for proper recognition of those making a contribution to the community, the City Council shall, from time to time, absent special circumstances such as scheduling

issues precluding a recipient from attending at that time, convene at 5:30 p.m. prior to a regular City Council Meeting for ceremonial purposes. Such a session shall be posted on the agenda for the regular Council Meeting as "Special Presentations". Agenda items for a Special Presentations session shall include only ceremonial matters, including but not limited to, giving or receiving of gifts and awards, proclamations or previously adopted resolutions.

1.3. ADJOURNED MEETINGS.

Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

1.4. STUDY SESSIONS

1.4.1. NOTICE AND AGENDA.

A study session is a meeting of the City Council, provided a quorum is present. Regular study sessions shall be noticed, agendized and conducted in compliance with state laws governing regular meetings of the City Council.

Special study sessions may be called in accordance with the procedures for special meetings of the City Council and shall be noticed, agendized and conducted in accordance with state law governing special meetings of the City Council.

1.4.2. LACK OF QUORUM

In the event that a quorum is lacking for a study session, the meeting may proceed as a briefing at the request of the council members present, but shall not be considered a meeting of the City Council and no direction shall be given to staff by majority consent except to place an item on a future agenda. The proceedings shall continue to be open to the public, public comments shall be taken as for regular study sessions, and all other rights of the public with respect to City Council meetings shall be observed.

1.4.3. LIMITED ACTIONS.

Notwithstanding that a study session is a meeting of the City Council, the Council by these rules has determined that study sessions are limited purpose meetings and that no formal vote or final action of the City Council shall be taken. The Council members may individually express their opinions and ask questions concerning a study session item, and may, by majority consent, give general direction to staff concerning further action to be taken prior to formal City Council consideration of the item, but any final action or formal motions or vote required to effect Council approval or denial shall take place at a regular Council meeting. However, Council members shall not express opinions, nor give directions to staff indicative of any opinions,

regarding the approval, disapproval, granting or denial of any item for which a subsequent public hearing will be required prior to final action.

1.4.4. TIME AND PLACE.

Regular study sessions of the City Council shall be held on the first and third Tuesday of each month at 6:00 p.m. in the City Council Chambers of City Hall or such other time and place as specified by resolution of the City Council.

1.4.5. SPECIAL STUDY SESSIONS

Study sessions may be held at times or places other than the regular time and place if noticed and agendized as a special meeting and designated as a study session. A special meeting designated as a study session shall be subject to this Section 1.4.

1.5. SPECIAL MEETINGS.

1.5.1. NOTICE.

The Mayor or a majority of the members of the Council may call special meetings of the City Council upon not less than 24 hours notice and in accordance with Section 54956 of the California Government Code, and other applicable state statutes, as amended from time to time.

1.5.2. MATTERS CONSIDERED.

Only matters contained in the notice of the special meeting may be considered. No ordinance, other than an urgency ordinance, may be adopted at a special meeting. Matters may be placed on the notice of special meeting only with the prior approval of the Mayor or of a majority of the members of the Council.

1.6. SPECIAL JOINT MEETINGS

1.6.1. CALLING OF MEETING.

Special Joint Meetings of the City Council and the governing board of another governmental agency (other than those whose governing boards are comprised of the City Council members) may be called and noticed in accordance with the rules for calling special meetings of the City Council.

1.6.2. RULES OF PROCEDURE.

The rules of procedure governing such joint meetings shall be agreed to by the Mayor and the chairperson of the other governing body or bodies and shall be listed on the agenda for the Special Joint Meeting. The agenda shall include ratification of the agenda by each body as the first order of business

after roll calls and ceremonial openings such as the flag salute and invocation, if any. Ratification of the agenda shall be deemed to be adoption of any rules and agenda formats contained therein for the purposes of that meeting only. However, all rules and agenda formats shall conform to all applicable state and federal laws and regulations.

1.6.3. WITH OTHER COUNCIL MEETINGS.

A Special Joint Meeting may be called and noticed even if a regular Council meeting or study session would have ordinarily been scheduled for the same time and place. However, if agenda items are included for the consideration of the Council separately from the other attending body(ies), the meeting shall be deemed both a special joint meeting and a regular Council meeting or study session as applicable, and the rules of procedure applicable to each type of meeting shall apply respectively to those agenda items to be considered jointly or separately or to each portion of the meeting so designated on the agenda.

1.7. CLOSED SESSIONS.

1.7.1. REGULAR CLOSED SESSIONS.

Regular closed sessions shall be held immediately following Regular City Council Meetings and Study Sessions, unless no closed session items are scheduled for that meeting.

1.7.2. SPECIAL CLOSED SESSIONS.

Special closed sessions may be called in accordance with the provisions of these rules and state laws for calling special meetings of the City Council.

1.7.3. IMMEDIATE CLOSED SESSIONS.

The City Council may, subject to the requirements of state law, recess an open meeting to an immediate closed session when the issues raised in the open session give reason to do so.

1.7.4. MINUTES.

Pursuant to Section 54957.2 of the California Government Code, the City Clerk may from time to time be required to attend a closed session of the City Council and keep and enter in a minute book a record of topics discussed and decisions made at each meeting. The confidentiality of such minutes shall be maintained pursuant to said section of the Government Code.

1.7.5. AGENDAS.

Agendas for regular closed sessions shall be noticed, agendized and

conducted in compliance with state laws governing regular meetings of the City Council and the provisions of §1.1.2.3 above.

1.7.6. ANNOUNCEMENTS OF ACTION TAKEN.

When required by state law, actions taken in closed session shall be announced in open session promptly after the closed session. For closed sessions held immediately before any City Council meeting, announcement shall be made during the subsequent meeting. A place may be listed on the agenda for such announcements. After closed sessions held after any City Council meeting or not in conjunction with any other meeting of the City Council, the members of the Council shall reconvene in open session and make such announcements prior to final adjournment of the meeting.

1.8. EMERGENCY MEETINGS.

Upon finding by majority vote that an emergency situation exists where prompt action is necessary due to the disruption or threatened disruption of public facilities due to either a work stoppage or other activity which severely impairs public health or safety, or a crippling disaster which severely impairs public health or safety, the Council may convene an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement for special meetings provided that all provisions of Section 94956.5 of the California Government Code, and other applicable law, are complied with.

2. PUBLIC COMMENTS AND ADDRESSING THE COUNCIL

2.1. PUBLIC COMMENTS GOVERNED BY THIS SECTION; EXCEPTIONS

The rules and procedures set forth in this Section 2 shall govern each opportunity for the public to address the City Council during its meetings except as expressly set forth elsewhere or as otherwise required by law. These rules and procedures shall govern public testimony during public hearings except as to those matters set forth in Subsection 1.1.5 above. Public comments are also governed by the rules of decorum set forth in Subsection 5.8 below.

2.2. MANNER OF ADDRESSING THE CITY COUNCIL

2.2.1. SPEAKER FORMS.

Members of the public may address the City Council during the time set aside for public comments on any subject not on the agenda under the jurisdiction of the City Council and before consideration of any item on the agenda; however, no person shall address the City Council without first being recognized by the Presiding Officer. Any person desiring to speak shall first complete an appropriate speaker request form and submit it to the bailiff, or in the absence of the bailiff, the City Clerk. Speaker request forms are

required to be completed and submitted prior to the Presiding Officer calling for public comments on any subject not on the agenda or any particular agenda item. Any speaker request form not completed and submitted before the Presiding Officer calls for public comments shall be considered late and the public comment shall not be received except on a majority vote of the City Council after an appropriate motion and second prior to the first public comment being received. No person is required to list his or her name or address on the speaker request form; however, such information would be helpful for staff to provide follow-up information to the speaker if needed.

2.2.2. SPEAKER PROCEDURES.

At the time for public comments, the Presiding Officer shall announce speakers in random order by name or number from the submitted speaker request forms received for that item. The first speaker announced by the Presiding Officer shall take their place at the speaker's podium and wait until the Presiding Officer indicates they may proceed with their comments. The second speaker announced by the Presiding Officer shall line up behind the speaker's podium along the wall to await their turn at the speaker's podium. Upon conclusion of the comments of the speaker at the speaker's podium, the person waiting shall immediately take their place at the speaker's podium and wait until the Presiding Officer indicates they may proceed with their comments. The Presiding Officer shall announce the next speaker, who will line up behind the speaker's podium along the wall. This procedure shall be followed until all speakers have been called by the Presiding Officer.

2.2.3. ADDRESS PRESIDING OFFICER.

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. No person shall begin their comments until recognized by the Presiding Officer. The Presiding Officer determines the order of speakers, except that the order of speakers for public hearing development projects is determined by other policies.

2.2.4. SUBJECT UNDER DISCUSSION.

During public comments on matters on the agenda and public hearings, all remarks shall be limited to the subject under consideration.

2.2.5. COUNCIL MEMBER RESPONSES.

Any council member who has been recognized by the Presiding Officer for such purpose may address or respond to a member of the public who has addressed the City Council pursuant hereto. Such address or response shall not exceed three (3) minutes in time and shall be deemed to be the individual

position or opinion of the council member offering the address or response and shall not constitute the official position or obligation of the City Council or the City in any manner. Unless otherwise directed by the City Council upon a majority vote after an appropriate motion and second, the restrictions imposed by this Subsection 2.2.5 shall apply only to those portions of the agenda during which public comments are received.

2.2.6. ADDRESSING THE CITY COUNCIL AFTER THE PUBLIC COMMENT PERIOD.

After the public comment period has been concluded for any agenda item, no member of the public shall address the City Council without first obtaining permission by a majority vote of the City Council after an appropriate motion and second. Any request for such permission shall be submitted in writing to the bailiff or to the City Clerk, who shall deliver the request to the Presiding Officer in a manner least disruptive to any proceedings under way.

2.2.7. CHANNELING COMMUNICATIONS TO STAFF.

After any public comment where a request has been made by the speaker, the Presiding Officer may, the speaker to communicate the same request to the City Manager or other appropriate staff member during regular business hours, or in writing for subsequent submittal to council members, pursuant to Subsection 2.2.9.

2.2.8. LIMITATIONS ON PUBLIC COMMENTS

The making of oral communications to the City Council by any member of the public during the "Public Comments" portions of the agenda shall be subject to the following limitations:

2.2.8.1. MULTIPLE SPEAKERS.

If it appears that several speakers desire to speak regarding a single agenda item, the Presiding Officer may reasonably limit the number of speakers as to each side of an issue. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesperson. The Presiding Officer may, but is not required to, allow grouping of speakers into a coordinated presentation if it would be beneficial to the City Council's understanding of an issue or would be time efficient in conducting the City council's business. However, no additional time shall be given to address the City Council on that agenda item.

2.2.8.2. REPETITIOUS AND IRRELEVANT COMMENTARY

Irrespective of any time limits, the Presiding Officer may regulate or terminate the comments of a speaker when the Presiding Officer reasonably determines that the speaker is being unduly repetitious or

engaging in extended discussion of irrelevancies. The Presiding Officer shall first issue a warning to the speaker and explain the reasons for the warning prior to terminating the speaker's time.

2.2.9. WRITTEN CORRESPONDENCE

2.2.9.1. INCLUDED IN AGENDA PACKET.

Any written communication relating to a matter pending, or to be brought before the City Council shall, whenever possible, be included in the agenda packet for the meeting at which such item is to be considered. If received after the delivery of the agenda packet, it shall be distributed to all persons receiving the agenda packet and all others requesting such information as soon as practicable after receipt.

2.2.9.2. LETTERS OF APPEAL.

Letters of appeal from administrative or commission decisions shall be processed under applicable provisions of the municipal code, or other applicable ordinances.

2.2.9.3. WRITTEN PUBLIC COMMENTS.

Public comments submitted in written form shall be copied and distributed to all members of the City Council, the City Manager, and the City Attorney.

2.3. PERSONS AUTHORIZED TO BE WITHIN PLATFORM AREA

While the City Council is in session, no person except city officials shall be permitted within the area of the Council Chambers forward of the speaker's podium without the invitation or consent of the presiding officer.

2.4. PUBLIC COMMENTS AT REGULAR AND ADJOURNED REGULAR MEETINGS.

2.4.1. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Each person addressing the City Council during Public Comments on Matters Not on the Agenda shall be permitted three (3) minutes to address the City Council, but in cases where it appears that a large number of persons desire to address the City Council on one subject, the Presiding Officer may limit public comments on any one subject to an aggregate of fifteen (15) minutes. Public comments on matters not on the agenda shall be taken in accordance with the Order of Business set forth in paragraph 1.1.2.1 above.

2.4.2. PUBLIC COMMENTS ON MATTERS ON THE AGENDA

Public comments on the agenda shall be taken as to each agenda item

called by the Presiding Officer for consideration; however, speakers who wish to address the City Council on any consent calendar item may only speak once prior to City Council consideration of the consent calendar. Each member of the public requesting to speak shall be allowed three (3) minutes to complete comments and all speakers on any one (1) agenda item shall be limited to a total aggregate time of fifteen (15) minutes.

2.5. PUBLIC COMMENTS AT SPECIAL MEETINGS

At special meetings of the City Council, no public comments will be taken on matters not on the agenda. Public comments on matters on the agenda shall be taken as to each agenda item as called by the Presiding Officer for consideration. However, with respect to Special Joint Meetings with other Agencies or Commissions, public comments on matters on the agenda shall be taken in any manner consistent with state law and agreed to under Subsection 1.6.2 above. Each member of the public requesting to speak shall be allowed three (3) minutes to complete comments and all speakers on any one agenda item shall be limited to a total aggregate time of fifteen (15) minutes, except with respect to public hearings, where speakers shall be governed by the rules pertaining to public hearings at regular meetings.

2.6. PUBLIC COMMENTS AT STUDY SESSIONS.

A public comment period, entitled “Public Comments on Matters Either on the Agenda or Not on the Agenda Under the Jurisdiction of the City Council” shall be included as part of the study session agenda. Such public comments shall be taken at the beginning of the meeting prior to the City Council consideration of any agenda item. Each speaker shall be subject to a three (3) minute time limit, with a total aggregate time for public comments of thirty (30) minutes. The City Council may extend the thirty (30) minute time limit upon a majority vote after an appropriate motion and second.

2.7. PUBLIC COMMENTS ON MATTERS ON CLOSED SESSION AGENDAS.

The public shall be permitted to make comments on matters on the closed session agendas prior to the holding of each closed session in accordance with the following procedures:

2.7.1. CLOSED SESSIONS AFTER MEETINGS.

For Closed Sessions held immediately after an open session of any City Council meeting, public comments shall be taken immediately prior to the Council adjourning the open session.

2.7.2. CLOSED SESSIONS BEFORE MEETINGS AND SEPARATE CLOSED SESSIONS.

For Closed Sessions held immediately before any City Council meeting, or not in conjunction with any other meeting of the City Council, the Council

shall convene in the Council Chambers or such other place as noted on the Agenda for the Closed Session, and receive public comments on matters on the Closed Session Agenda prior to retiring to the Closed Session.

2.7.3. TIME LIMITS.

Each speaker shall be limited to three (3) minutes for all items on the Closed Session Agenda with an aggregate time limit for all public comments of fifteen (15) minutes unless extended upon a majority vote of the City Council after an appropriate motion and second.

3. CONDUCTING BUSINESS AT MEETINGS

3.1. AGENDA ITEMS.

Items may be placed on the agenda of any regularly scheduled meeting of the City Council by the Mayor, or by any member of the City Council with the concurrence of one other member of the Council, or by the City Manager, City Attorney, or City Clerk. Items may be placed on the agenda of any special meeting with the consent of a majority of the City Council.

3.2. NOTICE OF MEETINGS

Notice of regular meetings or regular study sessions need be given only under circumstances required by state law. Notice of Special Meetings and adjourned meetings shall be given in accordance with state law. Posted notice of all meetings shall be given as required by state law at the locations specified by resolution of the City Council. Inadvertent failure of the Clerk to post notice at any location so specified shall not invalidate any meeting so long as the posting actually done by or under the direction of the Clerk complies with state law for posted notices.

3.3. QUORUM AND REQUIRED MAJORITIES

3.3.1. MAJORITY QUORUM AND MAJORITY VOTE.

Unless otherwise provided for in the Municipal Code or by state law, a majority of the City Council shall be a quorum sufficient to do business and motions may be passed 2-1 if only 3 attend.

3.3.2. MATTERS REQUIRING THREE VOTES.

The following matters, however, require three affirmative votes: (a) adoption of ordinances; (b) resolutions granting franchises, (c) resolutions amending the general plan; and (d) orders or appropriations for payment or expenditure of money.

3.3.3. EMERGENCY ITEMS.

Discussion and action on an item not appearing on the posted agenda of regular meetings, regular study sessions and closed sessions may occur if

an emergency situation as defined in California Government Code Section 54956.5 is determined to exist by a majority vote of the Council.

3.3.4. NEED FOR IMMEDIATE ACTION.

Discussion and action on an item not appearing on the posted agenda may occur if the legislative body determines by a two-thirds vote of the members of the legislative body present at the meeting (or a unanimous vote if less than two-thirds of the members are present) there is both: a) the need to take action immediately, and; b) that the need for action came to the attention of responsible officers of the City after the agenda was posted.

3.3.5. OTHER MATTERS REQUIRING SUPER-MAJORITY VOTES.

Where state or federal law requires a vote greater than a majority for valid action or approvals, the required vote for passage or approval shall be in accordance with the applicable statute. These matters include, but are not limited to:

- a) Adoption of a general tax (two-thirds majority of Council prior to public vote)
- b) An urgency ordinance for the immediate preservation of the public peace, health or safety, which must contain a declaration of the facts constituting the urgency (four-fifths vote)
- c) Interim ordinances effective immediately prohibiting land uses which may be in conflict with a contemplated zoning proposal which is or will be studied within a reasonable time (four-fifths vote)
- d) Adoption of a resolution of necessity for a proposed taking of property by power of eminent domain (two-thirds vote of all members of the city council)
- e) Conversion of land purchased for park purposes or land used for park purposes to other uses (four-fifths vote with special findings after a public hearing)
- f) Award of contracts without competitive bidding (finding by a four-fifths vote that an emergency exists)
- g) Resolution finding that a project can be performed more economically by day labor or through open market purchases of materials and supplies and dispensing with further public bidding after all bids are rejected (four fifths vote)
- h) Override of a decision of an Airport Land Use Commission "ALUC" (two-thirds vote including adoption of findings required by state

statute)

- i) Override of an adverse determination of an ALUC concerning the city's proposed amendment of its general plan (two-thirds vote)
- j) Adoption of a redevelopment plan if either the Planning Commission or Project Area Committee has recommended against approval (two-thirds vote of the entire Council)
- k) Adoption of a resolution to authorize immediate expenditure of public money to safeguard life, health or property in case of emergency or disaster (four-fifths vote)
- l) Agreements to share sales and use tax proceeds among cities and/or counties (two thirds vote or voter-approval)
- m) Declaration of emergency setting an election to approve a general tax other than at a regularly-scheduled general city election (unanimous vote of the governing body)

3.3.6. LEGALLY REQUIRED PARTICIPATION

If a majority of the City Council shall be disqualified to vote on a matter by reason of a conflict of interest, the City Council shall select by lot or other means of random selection, or by such other impartial and equitable means as the City Council shall determine, that number of its disqualified members which, when added to the members eligible to vote, shall constitute a quorum. Any disqualified member so chosen shall not participate in any discussion of the item and shall participate in voting only to the minimum extent required for a lawful and legal decision.

3.4. MEETINGS TO BE PUBLIC

Study sessions and all regular, adjourned or special meetings of the City Council shall be open to the public; however, the City Council may hold closed sessions from which the public may be excluded for the consideration of any matter for which a closed session is permitted under applicable state law.

3.5. CONCLUSION OF MEETINGS

The Council shall endeavor to adjourn all regular, adjourned or special meetings of the City Council including study sessions at 11:00 p.m. or as soon thereafter as any matter then being considered is concluded. The Council may, by motion and majority vote, continue the meeting after such time. However, continuing the meeting after such time without such motion or vote shall not invalidate any action taken.

4. PRESIDING OFFICER

4.1. MAYOR AND MAYOR PRO TEM

4.1.1. MAYOR AS PRESIDING OFFICER.

The Mayor shall be the presiding officer at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and the Mayor Pro Tem, the City Clerk shall preside temporarily and shall immediately call for the Council to elect one of their number as a temporary presiding officer to serve until the arrival of the Mayor or the Mayor Pro Tem or until adjournment, whichever first occurs. A temporary presiding officer so elected shall be referred to by the Council and City Staff as “Mister Chairman” or “Madame Chairman” as appropriate to gender.

4.1.2. PRESIDING OFFICER AT SPECIAL PRESENTATIONS.

At the request of the Mayor, the Mayor Pro Tem may be designated as the presiding officer at the Special Presentations sessions.

4.2. SELECTION OF MAYOR AND MAYOR PRO TEM.

4.2.1. ANNUAL SELECTION.

The City Council shall meet annually at its first regular meeting in December to choose one of its number as Mayor and another of its number as Mayor Pro Tem. The new Mayor and Mayor Pro Tem shall be installed and sworn in during a special ceremonial meeting on the first Tuesday of January and shall assume their offices at the regular City Council meeting on the second Tuesday of January. However, in the event of a need for a special meeting between the special ceremonial meeting and the regular meeting on the second Tuesday, the newly sworn Mayor shall preside.

4.2.2. CITY CLERK PRESIDES.

The City Clerk shall convene and preside at the special ceremonial meeting for the installation and swearing in of the Mayor and Mayor Pro Tem. The City Clerk shall then administer the oaths of office. Each Council member shall have an opportunity for brief comments and the meeting shall be adjourned. No other business shall be conducted at such ceremonial meeting.

4.2.3. SELECTION PROCESS.

Nominations for the office of Mayor or Mayor Pro Tem may be made by any member of the City Council and need not be seconded in order to be

effective. Each selection shall be by three or more affirmative votes. In the event that no person receives three or more votes in the selection process for one or both offices, the selection process shall be repeated immediately; provided, however, that the two persons receiving the highest number of votes in the preceding selection process shall be the only nominees for the office to be filled. If, upon repeating the selection process for Mayor or Mayor Pro Tem, no person has yet received three affirmative votes for such office, the City Council may either repeat the selection process until the officer has been duly selected or may continue the selection to the next regular meeting of the City Council.

4.2.4. WRITTEN BALLOT.

Voting in the selection of Mayor and Mayor Pro Tem shall be by written ballot unless the City Council, by three or more affirmative votes, determines to conduct the selection process by voice vote. If conducted by written ballot, the vote of each Council member shall remain undisclosed until all votes have been cast and have been lodged with the City Clerk. The City Clerk shall then read aloud into the minutes of the City Council the identity of the voting Council member and the name of the person for whom such person is voting. The written ballots shall be public documents and shall be retained in the records of the City Council. The Standard Code of Parliamentary Procedure, third edition, as revised or approved from time to time by the American Institute of Parliamentarians, shall apply to resolve any question of procedure arising during the selection process, which is not governed by this Section.

4.2.5. TERM OF OFFICE.

Except as provided in this Section, the Mayor and Mayor Pro Tem selected pursuant hereto shall serve until the next meeting scheduled for selection of Mayor and Mayor Pro Tem pursuant to this Section, and thereafter until their successors have been duly selected.

4.3. VACANCIES.

4.3.1. OCCURRENCE OF VACANCY.

The offices of Mayor and Mayor Pro Tem shall be deemed vacant upon the happening of any of the following:

- a) The death of the holder of such office;
- b) The loss or resignation from membership on the City Council by the holder of such office; or
- c) The acceptance by the City Council of the resignation from such office by the holder thereof.

4.3.2. FILLING VACANCY.

At its first regular meeting after the occurrence of a vacancy created by any of the foregoing events, the City Council shall select a successor to such office pursuant to the selection procedures established by this Section.

4.4. CALL TO ORDER

The meeting of the City Council shall be called to order by the Presiding Officer. In the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary presiding officer as provided above.

4.5. PARTICIPATION OF PRESIDING OFFICER

The presiding officer (except the City Clerk, when acting as presiding officer) may move, second, and debate from the chair, subject only to such limitations of debate as are imposed on all Council members. The presiding officer shall not be deprived of any of the rights and privileges of a Council member by reason of acting as presiding officer. However, the presiding officer is primarily responsible for the conduct of the meeting. If the presiding officer believes that personally engaging in the making or seconding of motions or extended debate on questions before the City Council would jeopardize the presiding officer’s ability to fairly and efficiently conduct the meeting, the presiding officer may, but shall not be required to, turn the responsibility of presiding over to the Mayor Pro Tem or, in the absence or inability to act of the Mayor Pro Tem, to the City Clerk for the election of another Council member as temporary presiding officer.

4.6. QUESTION TO BE STATED

The presiding officer should restate or cause to be restated each question immediately prior to Council debate and discussion and again prior to calling for the vote. Following the vote, the presiding officer should announce whether the question carried or was defeated and the vote totals. Before proceeding to the next item of business, the presiding officer may also state the effect of the vote for the benefit of the audience.

4.7. SIGNING OF DOCUMENTS

After approval as to form by the City Attorney or his deputy, the Mayor, or Mayor Pro Tem in the absence of the Mayor, shall sign ordinances, resolutions and proclamations adopted by and letters, contracts and other documents and instruments approved by the City Council. The City Clerk or Assistant City Clerk shall attest to the signature of the Mayor or Mayor Pro Tem.

5. RULES, DECORUM, AND ORDER

5.1. MAINTENANCE OF ORDER

The presiding officer is responsible for the maintenance of order and decorum at all times.

5.2. POINTS OF ORDER

The presiding officer shall determine all points of order subject to the right of any Council member to appeal to the City Council. If any appeal is taken, the question shall be “Shall the decision of the presiding officer be sustained” in which event a majority vote shall govern and conclusively determine such question of order.

5.3. LANGUAGE

All Council members, staff members and members of the public should speak respectfully and avoid the use of profanity, vulgarity and slanderous comments. Recognizing that the First Amendment precludes the City Council from prohibiting speakers from speaking based upon the content of speech, the presiding officer shall use his best efforts, short of enforcement action, to remind and encourage all participating in the meeting to keep their speech respectful towards others and within bounds appropriate for children and persons of sensitivity toward coarse language as a courtesy to others present or otherwise viewing Council meetings.

5.4. ENFORCEMENT OF DECORUM

5.4.1. SERGEANT-AT-ARMS.

The Chief of Police or his designee shall be ex-officio sergeant-at-arms of the City Council. At meetings where a Bailiff is assigned and present, the bailiff shall act as Sergeant-at-Arms, but shall remain subject to the direction of the Police Chief. The Sergeant-at-arms shall carry out all legal and valid orders and instructions given him by the presiding officer for the purpose of maintaining order and decorum in the Council Chambers. Upon instructions from the presiding officer, it shall be the duty of the sergeant-at-arms to remove any disorderly person from the Council Chambers or place the disorderly person under arrest or both.

5.4.2. FAILURE TO YIELD, DISRUPTIONS.

Any person who refuses to relinquish the floor after their allotted time or while speaking or while attending the City Council meeting engages in conduct which disrupts the business of the meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer. Disruptive remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer who may direct the sergeant-at-arms to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the presiding officer.

5.4.3. CLEARING THE ROOM.

As set forth in Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or group of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the City Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the City Council from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

5.5. DECORUM AND ORDER – COUNCIL MEMBERS

5.5.1. MANNER OF SPEAKING.

Any Council member desiring to speak shall activate the light signaling to the presiding officer a request to speak. In the event such signal lights are not available or functional, the Council member shall first address the presiding officer. Upon recognition by the presiding officer, the Council member shall speak only to the question under debate.

5.5.2. QUESTIONING STAFF.

A Council member desiring to question the staff should address his question to the City Manager, or, in appropriate cases, the City Clerk or City Attorney, who shall be entitled either to answer the inquiry or to designate some staff member for that purpose. Such a designation may be made at the time of any staff presentation or on the agenda listing for the item.

5.5.3. INTERRUPTIONS.

Once recognized, a Council member shall not be interrupted while speaking unless called to order by the presiding officer; unless a point of order is raised by another Council member, or unless the speaker chooses to yield to questions from another Council member.

5.5.4. PERSONAL PRIVILEGE.

The right of a Council member to address the City Council on a question of personal privilege shall be limited to cases in which that Council member's integrity, character, or motives are assailed, questioned, or impugned.

5.5.5. CONFLICT OF INTEREST AND DISCLOSURE

5.5.5.1. APPLICABLE LAW.

All Council members are subject to the provisions of California law, including, but not limited to, Chapter 7, Title 9, of the California Government Code, Section 87100, et seq., relative to conflicts of interest, and to conflicts of interest codes adopted by the City Council.

5.5.5.2. NO PARTICIPATION.

Any Council member prevented from voting because of a conflict of interest shall refrain from any participation with respect to that item, including but not limited to questions, comments, debate and voting. Such Council member shall leave the Council Chambers during debate and voting on the issue.

5.5.5.3. CONTACTS AND CONSULTATIONS WITH INTERESTED PARTIES.

At the time that each matter is taken up by the City Council for action in public session and prior to participation in the consideration of that matter, each member of the City Council shall identify by name (or if sufficient legal reason exists not to disclose the name, by the general description of the person and the person's interest in the matter) each person with a material interest in the matter who has consulted with that Council member regarding the matter since the application or other proposal was actually presented to the City. Such disclosure may be oral and shall be supplemented, as required, if the matter is continued from one meeting to another. Failure to make a disclosure of consultation shall be deemed to be a representation that no disclosable consultation took place in respect to a matter coming before the City Council for action. For items requiring a public hearing as to which any party is entitled to due process of law, each Council member should discourage such contacts and consultations outside of the hearing and shall, in addition to the disclosure required above, generally describe on the public record, the content of any such communication received outside of the public hearing.

5.5.6. LIMITATION OF DEBATE

No Council member shall speak for more than five minutes each time that Council member has the floor, without the approval of a majority vote of the City Council. No Council member normally should speak more than once upon any one subject until every other Council member choosing to speak thereon has spoken. The five-minute limit set forth herein shall not apply to remarks by a Council member under Council Member Reports and Closing Comments.

5.5.7. DISSENTS, PROTESTS, AND COMMENTS

Any Council member shall have the right to express dissent from, or protest to, or comment upon, any action of the City Council and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reasons . . ."

5.6. PROCEDURES IN ABSENCE OF RULES

In the absence of a rule herein or in a written policy adopted by the City Council, to govern a point or procedure, The Standard Code of Parliamentary Procedure, third edition, shall be used as a guide, unless the Council, by majority vote or consent adopts an interim rule for that point or procedure by motion and majority vote.

5.7. RULINGS OF PRESIDING OFFICER FINAL UNLESS OVERRULED BY COUNCIL

In presiding over City Council meetings, the presiding officer shall, with due consultation with the City Attorney, decide all questions of interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Council members present and voting and shall be binding and legally effective (even if clearly erroneous) for purposes of the matter under consideration.

5.8. DECORUM AND ORDER - PUBLIC

Decorum of public speakers during public comments shall be governed by Section 2 of these rules. Members of the audience shall not address the Council, the presiding officer, the staff or other members of the public except during public comment periods. When a member of the audience has important information, answers to questions raised during Council deliberations, or new evidence for Council consideration after the closing of the public comment period applicable to that item, the member of the public shall request to be recognized by the presiding officer by silently standing and/or raising a hand. Persons unable to stand or raise a hand may use such other means, including speaking out loud, if necessary, as are reasonably calculated to attract the attention of the presiding officer with the least disruption to the proceedings. The presiding officer shall have discretion to deny the request or briefly question the person regarding the general nature of the information held by the audience member, and/or the relevance and importance of the information. If the presiding officer deems the answers to such questions worthy of Council consideration the presiding officer shall ask for the Council to indicate, by majority consent, whether they wish to hear and consider the comments.

5.9. DECORUM AND ORDER - EMPLOYEES

The City Manager shall insure that all city employees observe proper rules of decorum. Any staff members, including the City Manager, desiring to address the City Council or members of the public shall first be recognized by the presiding officer. All remarks shall be addressed to the presiding officer or to the City Council and not to any one individual Council member or member of the public.

6. MOTIONS

6.1. WITHDRAWAL OF MOTIONS

Once a motion is made and seconded, it shall not be withdrawn by the mover without the consent of the person seconding it.

6.2. MOTIONS OUT OF ORDER

The presiding officer may at any time, by majority consent of the City Council, permit a Council member to introduce an ordinance, resolution, or motion out of the regular agenda order.

6.3. DIVISION OF QUESTION

If the question contains two or more divisible propositions, the presiding officer may, and upon request of a Council member shall, divide the same.

6.4. PRECEDENCE OF MOTIONS

When a motion is before the City Council, no motion shall be entertained except the following, which shall have precedence in the following order:

- Adjourn
- Fix hour of adjournment
- Table
- Limit or terminate discussion
- Amend
- Postpone

6.5. MOTION TO ADJOURN

A motion to adjourn shall be in order at any time, except as follows:

- a) When repeated without intervening business or discussion;
- b) When made as an interruption of a member while speaking;
- c) When discussion has been ended, and vote on motion is pending; and
- d) While a vote is being taken.

A motion to adjourn without specifying another time if adopted shall adjourn the meeting to the next regular meeting or next regular study session, whichever first occurs and shall not be debatable. A motion to adjourn to a specific time shall be debatable only as to the time to which the meeting is adjourned.

6.6. MOTION TO TABLE

A motion to table shall be used to temporarily bypass the subject. A motion to table shall not be debatable and shall not be subject to amendment. Such a motion shall immediately terminate any further debate of the subject under consideration until the motion is determined. If the motion shall prevail, the matter may be “taken from the table” by motion and majority vote at any time, subject to agenda posting and any notice requirements.

6.7. MOTION TO LIMIT OR TERMINATE DISCUSSION

Such a motion shall be used to limit or close debate on, or further amendments to, the main motion and shall not be debatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

6.8. MOTION TO AMEND

A motion to amend shall be debatable only as to content of the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. Amendments shall be voted first and then the main motion, as amended.

6.9. MOTION TO SUBSTITUTE

A motion to substitute a new motion for a pending motion or to amend the pending motion by substitution shall be debatable only as to the content of the substituted motion. A motion to substitute or to amend by substitution shall be germane to the general subject matter of the pending motion but may differ in wording, purpose and/or effect. If the motion prevails, the new motion shall take the place of the former motion and any amendments previously adopted, which shall no longer be on the floor. If the motion fails, the original motion remains pending. Such a motion shall be voted on before voting on any proposed amendments not already approved.

6.10. MOTION TO CONTINUE

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

7. VOTING PROCEDURE

7.1. VOTING PROCEDURE

In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Council member present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record. The order of voting shall be carried out by the City Clerk in a random order as

determined by the City Clerk in her/his sole discretion. The clerk shall call the names of all members seated when a roll call vote is ordered or required. Members shall respond “aye,” “no,” or “abstain;” provided that when a vote is collectively taken by voice or when a method of voting other than by voice or roll call is used, any Council member not audibly and clearly responding “no” or “abstain” or otherwise registering an objection shall be recorded as voting “aye.” There shall be no order of voting necessary in the case of electronic voting.

7.2. ROLL CALL VOTING

A roll call vote shall be used for all ordinances, resolutions and orders for franchises or payments of money. Any other question before the City Council shall not require a roll call vote unless requested by any member. It shall not be in order for members to explain their votes during roll call. Council members may change their votes before the next order of business is called.

7.3. ABSTENTIONS DISCOURAGED

Every Council member should vote “aye” or “nay” on each item unless disqualified for cause.

7.4. RECONSIDERATION

Any Council member who voted with the majority may move for reconsideration of any action at the same meeting or at the next regular meeting, so long as the item is duly listed and posted on the agenda for the subsequent meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the City Council.

7.5. TIE VOTES

Tie votes shall be lost motions. When all Council members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the City Council takes other action to further consider the matter. If a tie vote results at a time when less than all members of the City Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the City Council, unless otherwise ordered by the City Council.

8. LEGISLATIVE AND ADMINISTRATIVE ACTIONS

8.1. DEFINITIONS.

8.1.1. ORDINANCE

An “Ordinance” is a formal legislative act of the City Council having the force of law and has the meaning generally attributed to ordinances under the California Government Code. Ordinances are memorized in documents so designated and executed with the formalities required by the Government

Code.

8.1.2. RESOLUTION

“Resolution” means a formal action of the City Council memorialized by a separate document, numbered in sequence, and preserved in a separate set of books. A resolution documents both the action taken by the Council and the reasons for the action and may contain findings of fact and/or recitations of legal or policy reasons for the action. “Resolutions” are used when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, when needed for legal reasons to document important Council decisions, when documenting important policy or administrative decisions with long-term effects, or where the frequency of future reference back to its contents warrants a separate document.

8.1.3. MINUTE ORDER.

A “minute order” as used locally denotes a decision of the City Council entered in the minutes and documenting the reasons (findings of fact and policy considerations) for the decision at the request of a member of the City Council or for legal reasons at the request of the City Attorney. A “minute order” is drafted far more briefly than a “resolution” and is distinguished from a mere minute entry only by the detail entered in explaining findings of facts and policy considerations behind the Council’s decision.

8.1.4. MINUTE ENTRY.

The “minute entry”, is an entry in the minutes of the meeting recording a City Council action.

8.2. ORDINANCES

8.2.1. INTRODUCTION AND ADOPTION OF ORDINANCES

8.2.1.1. INTRODUCTION AND READING.

Except for urgency ordinances, ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Council members present, all ordinances shall be read in full either at the time of introduction or passage. Waiver of further reading of all ordinances on the agenda of any meeting may be done in advance as a consent calendar item.

8.2.1.2. ALTERED ORDINANCES.

When ordinances, other than urgency ordinances, are altered after introduction, they shall be introduced again and shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration and reintroduction. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

8.2.2. EFFECTIVE DATE

All ordinances, except as provided in Section 36937 of the Government code, shall take effect thirty (30) days after adoption but may be made operative at such later date as may be designated in the ordinance.

8.2.3. PUBLISHING

It shall be the duty of the City Clerk to post or publish all ordinances in accordance with Section 36933 of the Government Code within fifteen (15) days after adoption.

8.2.4. URGENCY ORDINANCES

All urgency ordinances must receive four (4) affirmative votes to be adopted and to become effective immediately. If such an ordinance fails to receive a four-fifths (4/5) majority, it may thereafter be considered and passed in the same manner and with the same effect as regular ordinances.

8.3. RESOLUTIONS

8.3.1. RESOLUTIONS PREPARED IN ADVANCE

If a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed in Section 7.1, and result declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any member may require that the resolution be read in full.

8.3.2. RESOLUTIONS NOT PREPARED IN ADVANCE

If a resolution has not been prepared in advance, the procedure shall be to instruct the City Manager or the City Attorney to prepare a resolution for presentation at a subsequent City Council meeting.

8.3.3. URGENCY RESOLUTIONS

8.3.3.1. ORAL PRESENTATION.

In matters of urgency, a resolution may be presented orally in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure in Section 8.2 above shall be followed.

8.3.3.2. DISFAVORED.

Urgency resolutions shall be avoided except when absolutely necessary; and they shall not be used when resolutions are required by law, including, but not limited to actions related to public financing, improvement acts, eminent domain, general plan and zoning matters, force account work on public projects and other matters where state statutes specify that action must be taken by formal resolution. If the resolution has been drafted in written form, either before or during the meeting, this section shall not be deemed applicable.

8.4. POLICIES

The City Council may, by resolution or by motion, adopt written policies governing administrative and other routine matters, providing ongoing direction to City staff regarding particular subjects, or setting standards for City involvement in particular types of activities such as public financing, investment, economic development, influencing action by other governmental bodies, and such other matters as the Council may determine from time to time. Such policies shall be compiled in the City's administrative policy handbook together with policies issued by the City Manager for the direction of the City Staff.

9. COMMITTEES

9.1. FINANCE COMMITTEE

There shall be a standing committee of the City Council known as the finance committee, whose duties shall be those as prescribed in the City of Moreno Valley Municipal Code, or as otherwise assigned by the City Council. The committee shall consist of two (2) Council members appointed by the Mayor and confirmed by the City Council.

9.2. PUBLIC SAFETY COMMITTEE

There shall be a standing committee of the City Council known as the public safety committee. The committee shall consist of two (2) members who shall be Council members appointed by the Mayor and confirmed by the City Council. The public safety committee shall study matters relating to law enforcement, fire services, traffic safety, animal control, and related matters referred to it by the City Council, and shall make recommendations to the City Council.

9.3. OTHER COMMITTEES

The City Council may by resolution create other standing committees and by motion or resolution may appoint ad hoc committees for particular temporary purposes.

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1. MEETINGS

1.1. REGULAR MEETINGS

1.1.1. TIME AND PLACE.

1.1.1.1. Regular Time and Place.

Regular meetings of the City Council shall be held on the second and fourth Tuesdays of each month at ~~6:30~~ 6:00 p.m. in the City Council Chambers of City Hall or such other time and place as shall be specified by resolution of the City Council.

1.1.2. AGENDA.

1.1.2.1. ORDER OF BUSINESS.

The order of business of each regular meeting of the City Council shall be as set forth in the agenda prepared by the City Clerk. The agenda shall be a listing by topic of the subjects, numbered as designated by the City Clerk and taken up for consideration in substantially the following order:

- Special Recognition/Presentations (~~6:00~~ 5:30 p.m., if necessary)*
- Call to Order (~~6:30~~ 6:00 p.m.)
- Pledge of Allegiance
- Invocation
- Roll Call
- Introductions
- Public Comments on Matters Not on the Agenda**
- Public Comments on Matters on the Agenda***
- ~~A-CD~~. Consent Calendars ****
 - City Council
 - Moreno Valley Community Services District
 - Community Redevelopment Agency of the City of Moreno Valley
 - Housing Authority
 - Board of Library Trustees
- ~~DE~~. Public Hearings
- ~~EF~~. Items Pulled from Consent Calendars for Discussion or Separate Action
- ~~FG~~. Reports
- ~~GH~~. Legislative Actions

~~Public Comments on Matters Not on the Agenda****~~

City Council Reports and Closing Comments

Public Comments on Matters on the Closed Session
Agenda*****

Closed Session, if needed

Report of Action from Closed Session

Adjournment

*See Section 1.2 below

** Public Comments on Matters Not on the Agenda are governed by Subsection 2.4.1 below and will be heard prior to City Council Reports and Closing Comments. Following public comments on matters not on the agenda, the Presiding Officer may request that staff respond to legal or factual issues raised during the public 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.

**** The Presiding Officer will announce that public comments on matters on the agenda will be taken up as the item is called for business [Subsection 2.4.2 below], between staff's report and City Council deliberation.*

**** Consent calendars will begin immediately after Public Comments introductions (and special presentations, if any), with the remaining items taken in the order of the agenda. Any consent calendar item(s), pulled for discussion or separate action will be heard immediately following the public hearings.

~~**** Public Comments on Matters Not on the Agenda are governed by Subsection 2.4.1 below and will be heard prior to City Council Reports and Closing Comments. Following public comments on matters not on the agenda, the Presiding Officer may request that staff respond to legal or factual issues raised during the public 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.~~

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*****Public Comments on matters on the closed session agenda (if a closed session is held) are governed by Section 2.7 below.

1.1.2.2. CHANGES IN AGENDA.

Except with the consent of the majority of the City Council, items shall not be taken out of the order prescribed above. No matters other than those listed on the agenda shall be acted upon by the City Council except as permitted under applicable state law.

1.1.2.3. DELIVERY AND POSTING OF AGENDA

Barring insurmountable difficulties, the agenda for each regular meeting of the City Council, and reports and other documentation related thereto, shall be delivered to the Council members and made available to the public on the Thursday preceding the Tuesday meeting to which the agenda pertains. The agenda shall conform to, and be posted in accordance with, applicable requirements of the California Government Code. Agendas shall be posted at least 72 hours prior to the time scheduled for the meeting on the bulletin board outside the City Council Chambers at City Hall and at such other places within the City as the City Council has designated for posting notices of City Council meetings.

1.1.3. ROLL CALL

Before proceeding with the business of the City Council, the City Clerk shall call the roll of the Council members and the names of those present shall be entered in the minutes. The order of roll call shall be alphabetical, except that the Mayor shall be called last.

1.1.4. APPROVAL OF MINUTES:

Unless requested by a majority of the City Council, minutes of the previous meeting may be approved without public reading if the City Clerk has previously furnished each Council member with a copy thereof.

1.1.5. PUBLIC HEARINGS

1.1.5.1. ORDER OF PROCEEDINGS.

Generally, public hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:

- Staff Review and Report
- Questions of Staff by City Council
- Hearing Opened by Mayor
- Presentation by Proponent, Applicant or Appellant

Questions of Proponent, Applicant or Appellant by Council and/or Staff
Public Testimony
Rebuttal by Proponent, Applicant or Appellant
If Desired, Hearing Closed
Questions by City Council
Discussion by City Council
Action by City Council

1.1.5.2. PUBLIC TESTIMONY.

1.1.5.2.1. Time Limits.

Questions, comments, and testimony from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the presiding officer may, at the beginning of the hearing, limit testimony from the public, but in no event to less than 5 minutes per individual and no less than 20 minutes per hearing item. Any person may speak for a longer period of time, upon approval of the City Council, when this is deemed necessary in such cases as when a person is speaking as a representative of a group or has graphic or slide presentations requiring more time.

1.1.5.2.2. Testimony After Closure of Hearing.

Once the hearing has been closed, no additional public testimony will be taken without a majority vote of the City Council to reopen the hearing, even in cases where the item is continued to a future date for Council consideration. However, after the hearing has been closed, the Council may direct questions to the applicant or any other person who has testified during the hearing, and receive their answers, which shall be deemed to be part of the record of testimony at the hearing. In the event that public testimony is reopened to allow additional information or additional speakers, the proponent, applicant or appellant shall be permitted a reasonable time for rebuttal. Any request for reopening of the hearing shall be submitted in writing to the bailiff or to the City Clerk, who shall deliver it to the presiding officer in a manner calculated to be least disruptive to any proceedings under way.

1.1.5.2.3. Written Testimony.

Testimony submitted in written form may be added to the record of

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the hearing by motion and majority vote or consent of the City Council.

1.1.5.2.4. Testimony Under Oath.

In any hearing before the City Council, notice of which is to be published or posted, if the City Council or any member thereof, or a proponent or opponent of the matter, requests that any or all participants in the proceedings testify under oath or affirmation, the making of such request shall be set forth in the notice of hearing. Additionally, the notice of hearing shall state that the giving of testimony under oath or affirmation shall be voluntary as to each person wishing to be heard in the matter, and that any persons having a question or concern regarding the giving of testimony under oath or affirmation should consult an attorney of their own choosing and at their own expense. Each person testifying under oath or affirmation in any such proceeding shall, before so testifying, state on the record agreement to testify under oath or affirmation in the matter and has had an opportunity to choose and to consult with an attorney in respect thereto. Upon request to the City Clerk, each Council member will receive sufficient notice, by phone, memo, fax or electronic mail prior to the time of publishing or posting of any hearing notice in order to make such a request.

1.1.5.3. QUASI-JUDICIAL HEARINGS.

Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the City Attorney shall advise the City Council in this regard.

1.1.6. CONSENT AGENDA

Items of routine nature, not anticipated to be controversial, may be placed on the consent calendar by the City Manager. All items may be approved by one blanket motion upon unanimous consent. Any Council member may request that any item be withdrawn from the consent agenda for separate consideration. Any Council member may abstain from voting on any consent agenda item without requesting its removal from the consent agenda, by orally stating intent to abstain as to a particular item. The City Clerk shall record such abstentions in the minutes.

1.1.7. CITY COUNCIL REPORTS AND COMMENTS

The Mayor or any Council member may, during the time for reports and comments by Council members, report on activities in representing the

Council or the City on boards, committees, commissions, task forces, and other official bodies, before other governmental agencies and at public events. Each Council member may also bring to City Council's attention any item of new business under this portion of the agenda. Action on any matter of business not listed on the agenda shall be deferred until properly listed on the agenda for a subsequent City Council meeting unless properly added to the agenda due to a need for immediate action pursuant to state law. If two Council members concur that an item should be added to a future agenda, the Council shall give direction to staff as to whether the matter should be placed on the agenda for a regular Council meeting, a study session or a special meeting.

1.2. SPECIAL PRESENTATIONS.

In order to promote efficiency in handling the business of the City and to provide for proper recognition of those making a contribution to the community, the City Council shall, from time to time, absent special circumstances such as scheduling issues precluding a recipient from attending at that time, convene at ~~6:00~~ 5:30 p.m. prior to a regular City Council Meeting for ceremonial purposes. Such a session shall be posted on the agenda for the regular Council Meeting as "Special Presentations". Agenda items for a Special Presentations session shall include only ceremonial matters, including but not limited to, giving or receiving of gifts and awards, proclamations or previously adopted resolutions.

1.3. ADJOURNED MEETINGS.

Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

1.4. STUDY SESSIONS

1.4.1. NOTICE AND AGENDA.

A study session is a meeting of the City Council, provided a quorum is present. Regular study sessions shall be noticed, agendized and conducted in compliance with state laws governing regular meetings of the City Council. Special study sessions may be called in accordance with the procedures for special meetings of the City Council and shall be noticed, agendized and conducted in accordance with state law governing special meetings of the City Council.

1.4.2. LACK OF QUORUM

In the event that a quorum is lacking for a study session, the meeting may proceed as a briefing at the request of the council members present, but

shall not be considered a meeting of the City Council and no direction shall be given to staff by majority consent except to place an item on a future agenda. The proceedings shall continue to be open to the public, public comments shall be taken as for regular study sessions, and all other rights of the public with respect to City Council meetings shall be observed.

1.4.3. LIMITED ACTIONS.

Notwithstanding that a study session is a meeting of the City Council, the Council by these rules has determined that study sessions are limited purpose meetings and that no formal vote or final action of the City Council shall be taken. The Council members may individually express their opinions and ask questions concerning a study session item, and may, by majority consent, give general direction to staff concerning further action to be taken prior to formal City Council consideration of the item, but any final action or formal motions or vote required to effect Council approval or denial shall take place at a regular Council meeting. However, Council members shall not express opinions, nor give directions to staff indicative of any opinions, regarding the approval, disapproval, granting or denial of any item for which a subsequent public hearing will be required prior to final action.

1.4.4. TIME AND PLACE.

Regular study sessions of the City Council shall be held on the [first and third](#) Tuesday of each month at 6:00 p.m. in the City Council Chambers of City Hall or such other time and place as specified by resolution of the City Council.

1.4.5. SPECIAL STUDY SESSIONS

Study sessions may be held at times or places other than the regular time and place if noticed and agendized as a special meeting and designated as a study session. A special meeting designated as a study session shall be subject to this Section 1.4.

1.5. SPECIAL MEETINGS.

1.5.1. NOTICE.

The Mayor or a majority of the members of the Council may call special meetings of the City Council upon not less than 24 hours notice and in accordance with Section 54956 of the California Government Code, and other applicable state statutes, as amended from time to time.

1.5.2. MATTERS CONSIDERED.

Only matters contained in the notice of the special meeting may be

considered. No ordinance, other than an urgency ordinance, may be adopted at a special meeting. Matters may be placed on the notice of special meeting only with the prior approval of the Mayor or of a majority of the members of the Council.

1.6. SPECIAL JOINT MEETINGS

1.6.1. CALLING OF MEETING.

Special Joint Meetings of the City Council and the governing board of another governmental agency (other than those whose governing boards are comprised of the City Council members) may be called and noticed in accordance with the rules for calling special meetings of the City Council.

1.6.2. RULES OF PROCEDURE.

The rules of procedure governing such joint meetings shall be agreed to by the Mayor and the chairperson of the other governing body or bodies and shall be listed on the agenda for the Special Joint Meeting. The agenda shall include ratification of the agenda by each body as the first order of business after roll calls and ceremonial openings such as the flag salute and invocation, if any. Ratification of the agenda shall be deemed to be adoption of any rules and agenda formats contained therein for the purposes of that meeting only. However, all rules and agenda formats shall conform to all applicable state and federal laws and regulations.

1.6.3. WITH OTHER COUNCIL MEETINGS.

A Special Joint Meeting may be called and noticed even if a regular Council meeting or study session would have ordinarily been scheduled for the same time and place. However, if agenda items are included for the consideration of the Council separately from the other attending body(ies), the meeting shall be deemed both a special joint meeting and a regular Council meeting or study session as applicable, and the rules of procedure applicable to each type of meeting shall apply respectively to those agenda items to be considered jointly or separately or to each portion of the meeting so designated on the agenda.

1.7. CLOSED SESSIONS.

1.7.1. REGULAR CLOSED SESSIONS.

Regular closed sessions shall be held ~~at 6 p.m. on the first Tuesday of each month, and~~ immediately following Regular City Council Meetings and Study Sessions, unless no closed session items are scheduled for that meeting.

1.7.2. SPECIAL CLOSED SESSIONS.

Special closed sessions may be called in accordance with the provisions of these rules and state laws for calling special meetings of the City Council.

1.7.3. IMMEDIATE CLOSED SESSIONS.

The City Council may, subject to the requirements of state law, recess an open meeting to an immediate closed session when the issues raised in the open session give reason to do so.

1.7.4. MINUTES.

Pursuant to Section 54957.2 of the California Government Code, the City Clerk may from time to time be required to attend a closed session of the City Council and keep and enter in a minute book a record of topics discussed and decisions made at each meeting. The confidentiality of such minutes shall be maintained pursuant to said section of the Government Code.

1.7.5. AGENDAS.

Agendas for regular closed sessions shall be noticed, agendized and conducted in compliance with state laws governing regular meetings of the City Council and the provisions of §1.1.2.3 above.

1.7.6. ANNOUNCEMENTS OF ACTION TAKEN.

When required by state law, actions taken in closed session shall be announced in open session promptly after the closed session. For closed sessions held immediately before any City Council meeting, announcement shall be made during the subsequent meeting. A place may be listed on the agenda for such announcements. After closed sessions held after any City Council meeting or not in conjunction with any other meeting of the City Council, the members of the Council shall reconvene in open session and make such announcements prior to final adjournment of the meeting.

1.8. EMERGENCY MEETINGS.

Upon finding by majority vote that an emergency situation exists where prompt action is necessary due to the disruption or threatened disruption of public facilities due to either a work stoppage or other activity which severely impairs public health or safety, or a crippling disaster which severely impairs public health or safety, the Council may convene an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement for special meetings provided that all provisions of Section 94956.5 of the California Government Code, and other applicable law, are complied with.

2. PUBLIC COMMENTS AND ADDRESSING THE COUNCIL

2.1. PUBLIC COMMENTS GOVERNED BY THIS SECTION; EXCEPTIONS

The rules and procedures set forth in this Section 2 shall govern each opportunity for the public to address the City Council during its meetings except as expressly set forth elsewhere or as otherwise required by law. These rules and procedures shall govern public testimony during public hearings except as to those matters set forth in Subsection 1.1.5 above. Public comments are also governed by the rules of decorum set forth in Subsection 5.8 below.

2.2. MANNER OF ADDRESSING THE CITY COUNCIL

2.2.1. SPEAKER FORMS.

Members of the public may address the City Council during the time set aside for public comments on any subject not on the agenda under the jurisdiction of the City Council and before consideration of any item on the agenda; however, no person shall address the City Council without first being recognized by the Presiding Officer. Any person desiring to speak shall first complete an appropriate speaker request form and submit it to the bailiff, or in the absence of the bailiff, the City Clerk. Speaker request forms are required to be completed and submitted prior to the Presiding Officer calling for public comments on any subject not on the agenda or any particular agenda item. Any speaker request form not completed and submitted before the Presiding Officer calls for public comments shall be considered late and the public comment shall not be received except on a majority vote of the City Council after an appropriate motion and second prior to the first public comment being received. No person is required to list his or her name or address on the speaker request form; however, such information would be helpful for staff to provide follow-up information to the speaker if needed.

2.2.2. SPEAKER PROCEDURES.

At the time for public comments, the Presiding Officer shall announce speakers in random order by name or number from the submitted speaker request forms received for that item. The first speaker announced by the Presiding Officer shall take their place at the speaker's podium and wait until the Presiding Officer indicates they may proceed with their comments. The second speaker announced by the Presiding Officer shall line up behind the speaker's podium along the wall to await their turn at the speaker's podium. Upon conclusion of the comments of the speaker at the speaker's podium, the person waiting shall immediately take their place at the speaker's podium and wait until the Presiding Officer indicates they may proceed with their comments. The Presiding Officer shall announce the next speaker, who will

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line up behind the speaker's podium along the wall. This procedure shall be followed until all speakers have been called by the Presiding Officer.

2.2.3. ADDRESS PRESIDING OFFICER.

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. No person shall begin their comments until recognized by the Presiding Officer. The Presiding Officer determines the order of speakers, except that the order of speakers for public hearing development projects is determined by other policies.

2.2.4. SUBJECT UNDER DISCUSSION.

During public comments on matters on the agenda and public hearings, all remarks shall be limited to the subject under consideration.

2.2.5. COUNCIL MEMBER RESPONSES.

Any council member who has been recognized by the Presiding Officer for such purpose may address or respond to a member of the public who has addressed the City Council pursuant hereto. Such address or response shall not exceed three (3) minutes in time and shall be deemed to be the individual position or opinion of the council member offering the address or response and shall not constitute the official position or obligation of the City Council or the City in any manner. Unless otherwise directed by the City Council upon a majority vote after an appropriate motion and second, the restrictions imposed by this Subsection 2.2.5 shall apply only to those portions of the agenda during which public comments are received.

2.2.6. ADDRESSING THE CITY COUNCIL AFTER THE PUBLIC COMMENT PERIOD.

After the public comment period has been concluded for any agenda item, no member of the public shall address the City Council without first obtaining permission by a majority vote of the City Council after an appropriate motion and second. Any request for such permission shall be submitted in writing to the bailiff or to the City Clerk, who shall deliver the request to the Presiding Officer in a manner least disruptive to any proceedings under way.

2.2.7. CHANNELING COMMUNICATIONS TO STAFF.

After any public comment where a request has been made by the speaker, the Presiding Officer may, the speaker to communicate the same request to the City Manager or other appropriate staff member during regular business hours, or in writing for subsequent submittal to council members, pursuant to Subsection 2.2.9.

2.2.8. LIMITATIONS ON PUBLIC COMMENTS

The making of oral communications to the City Council by any member of the public during the "Public Comments" portions of the agenda shall be subject to the following limitations:

2.2.8.1. MULTIPLE SPEAKERS.

If it appears that several speakers desire to speak regarding a single agenda item, the Presiding Officer may reasonably limit the number of speakers as to each side of an issue. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesperson. The Presiding Officer may, but is not required to, allow grouping of speakers into a coordinated presentation if it would be beneficial to the City Council's understanding of an issue or would be time efficient in conducting the City Council's business. However, no additional time shall be given to address the City Council on that agenda item.

2.2.8.2. REPETITIOUS AND IRRELEVANT COMMENTARY

Irrespective of any time limits, the Presiding Officer may regulate or terminate the comments of a speaker when the Presiding Officer reasonably determines that the speaker is being unduly repetitious or engaging in extended discussion of irrelevancies. The Presiding Officer shall first issue a warning to the speaker and explain the reasons for the warning prior to terminating the speaker's time.

2.2.9. WRITTEN CORRESPONDENCE

2.2.9.1. INCLUDED IN AGENDA PACKET.

Any written communication relating to a matter pending, or to be brought before the City Council shall, whenever possible, be included in the agenda packet for the meeting at which such item is to be considered. If received after the delivery of the agenda packet, it shall be distributed to all persons receiving the agenda packet and all others requesting such information as soon as practicable after receipt.

2.2.9.2. LETTERS OF APPEAL.

Letters of appeal from administrative or commission decisions shall be processed under applicable provisions of the municipal code, or other applicable ordinances.

2.2.9.3. WRITTEN PUBLIC COMMENTS.

Public comments submitted in written form shall be copied and distributed to all members of the City Council, the City Manager, and the City Attorney.

2.3. PERSONS AUTHORIZED TO BE WITHIN PLATFORM AREA

While the City Council is in session, no person except city officials shall be permitted within the area of the Council Chambers forward of the speaker's podium without the invitation or consent of the presiding officer.

2.4. PUBLIC COMMENTS AT REGULAR AND ADJOURNED REGULAR MEETINGS.

2.4.1. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Each person addressing the City Council during Public Comments on Matters Not on the Agenda shall be permitted three (3) minutes to address the City Council, but in cases where it appears that a large number of persons desire to address the City Council on one subject, the Presiding Officer may limit public comments on any one subject to an aggregate of fifteen (15) minutes. Public comments on matters not on the agenda shall be taken in accordance with the Order of Business set forth in paragraph 1.1.2.1 above.

2.4.2. PUBLIC COMMENTS ON MATTERS ON THE AGENDA

Public comments on the agenda shall be taken as to each agenda item called by the Presiding Officer for consideration; however, speakers who wish to address the City Council on any consent calendar item may only speak once prior to City Council consideration of the consent calendar. Each member of the public requesting to speak shall be allowed three (3) minutes to complete comments and all speakers on any one (1) agenda item shall be limited to a total aggregate time of fifteen (15) minutes.

2.5. PUBLIC COMMENTS AT SPECIAL MEETINGS

At special meetings of the City Council, no public comments will be taken on matters not on the agenda. Public comments on matters on the agenda shall be taken as to each agenda item as called by the Presiding Officer for consideration. However, with respect to Special Joint Meetings with other Agencies or Commissions, public comments on matters on the agenda shall be taken in any manner consistent with state law and agreed to under Subsection 1.6.2 above. Each member of the public requesting to speak shall be allowed three (3) minutes to complete comments and all speakers on any one agenda item shall be limited to a total aggregate time of fifteen (15) minutes, except with respect to public hearings, where speakers shall be governed by the rules pertaining to public hearings at regular meetings.

2.6. PUBLIC COMMENTS AT STUDY SESSIONS.

A public comment period, entitled "Public Comments on Matters Either on the Agenda or Not on the Agenda Under the Jurisdiction of the City Council" shall be included as part of the study session agenda. Such public comments shall be taken at the beginning of the meeting prior to the City Council consideration of any agenda item. Each speaker shall be subject to a three (3) minute time limit, with a total aggregate time for public comments of thirty (30) minutes. The City Council may extend the thirty (30) minute time limit upon a majority vote after an appropriate motion and second.

2.7. PUBLIC COMMENTS ON MATTERS ON CLOSED SESSION AGENDAS.

The public shall be permitted to make comments on matters on the closed session agendas prior to the holding of each closed session in accordance with the following procedures:

2.7.1. CLOSED SESSIONS AFTER MEETINGS.

For Closed Sessions held immediately after an open session of any City Council meeting, public comments shall be taken immediately prior to the Council adjourning the open session.

2.7.2. CLOSED SESSIONS BEFORE MEETINGS AND SEPARATE CLOSED SESSIONS.

For Closed Sessions held immediately before any City Council meeting, or not in conjunction with any other meeting of the City Council, the Council shall convene in the Council Chambers or such other place as noted on the Agenda for the Closed Session, and receive public comments on matters on the Closed Session Agenda prior to retiring to the Closed Session.

2.7.3. TIME LIMITS.

Each speaker shall be limited to three (3) minutes for all items on the Closed Session Agenda with an aggregate time limit for all public comments of fifteen (15) minutes unless extended upon a majority vote of the City Council after an appropriate motion and second.

3. CONDUCTING BUSINESS AT MEETINGS

3.1. AGENDA ITEMS.

Items may be placed on the agenda of any regularly scheduled meeting of the City Council by the Mayor, or by any member of the City Council with the concurrence of one other member of the Council, or by the City Manager, City Attorney, or City Clerk. Items may be placed on the agenda of any special meeting with the consent of a majority of the City Council.

3.2. NOTICE OF MEETINGS

Notice of regular meetings or regular study sessions need be given only under circumstances required by state law. Notice of Special Meetings and adjourned meetings shall be given in accordance with state law. Posted notice of all meetings shall be given as required by state law at the locations specified by resolution of the City Council. Inadvertent failure of the Clerk to post notice at any location so specified shall not invalidate any meeting so long as the posting actually done by or under the direction of the Clerk complies with state law for posted notices.

3.3. QUORUM AND REQUIRED MAJORITIES

3.3.1. MAJORITY QUORUM AND MAJORITY VOTE.

Unless otherwise provided for in the Municipal Code or by state law, a majority of the City Council shall be a quorum sufficient to do business and motions may be passed 2-1 if only 3 attend.

3.3.2. MATTERS REQUIRING THREE VOTES.

The following matters, however, require three affirmative votes: (a) adoption of ordinances; (b) resolutions granting franchises, (c) resolutions amending the general plan; and (d) orders or appropriations for payment or expenditure of money.

3.3.3. EMERGENCY ITEMS.

Discussion and action on an item not appearing on the posted agenda of regular meetings, regular study sessions and closed sessions may occur if an emergency situation as defined in California Government Code Section 54956.5 is determined to exist by a majority vote of the Council.

3.3.4. NEED FOR IMMEDIATE ACTION.

Discussion and action on an item not appearing on the posted agenda may occur if the legislative body determines by a two-thirds vote of the members of the legislative body present at the meeting (or a unanimous vote if less than two-thirds of the members are present) there is both: a) the need to take action immediately, and; b) that the need for action came to the attention of responsible officers of the City after the agenda was posted.

3.3.5. OTHER MATTERS REQUIRING SUPER-MAJORITY VOTES.

Where state or federal law requires a vote greater than a majority for valid action or approvals, the required vote for passage or approval shall be in accordance with the applicable statute. These matters include, but are not limited to:

- a) Adoption of a general tax (two-thirds majority of Council prior to public vote)

- b) An urgency ordinance for the immediate preservation of the public peace, health or safety, which must contain a declaration of the facts constituting the urgency (four-fifths vote)
- c) Interim ordinances effective immediately prohibiting land uses which may be in conflict with a contemplated zoning proposal which is or will be studied within a reasonable time (four-fifths vote)
- d) Adoption of a resolution of necessity for a proposed taking of property by power of eminent domain (two-thirds vote of all members of the city council)
- e) Conversion of land purchased for park purposes or land used for park purposes to other uses (four-fifths vote with special findings after a public hearing)
- f) Award of contracts without competitive bidding (finding by a four-fifths vote that an emergency exists)
- g) Resolution finding that a project can be performed more economically by day labor or through open market purchases of materials and supplies and dispensing with further public bidding after all bids are rejected (four fifths vote)
- h) Override of a decision of an Airport Land Use Commission "ALUC" (two-thirds vote including adoption of findings required by state statute)
- i) Override of an adverse determination of an ALUC concerning the city's proposed amendment of its general plan (two-thirds vote)
- j) Adoption of a redevelopment plan if either the Planning Commission or Project Area Committee has recommended against approval (two-thirds vote of the entire Council)
- k) Adoption of a resolution to authorize immediate expenditure of public money to safeguard life, health or property in case of emergency or disaster (four-fifths vote)
- l) Agreements to share sales and use tax proceeds among cities and/or counties (two thirds vote or voter-approval)
- m) Declaration of emergency setting an election to approve a general tax other than at a regularly-scheduled general city election (unanimous vote of the governing body)

3.3.6. LEGALLY REQUIRED PARTICIPATION

If a majority of the City Council shall be disqualified to vote on a matter by reason of a conflict of interest, the City Council shall select by lot or other means of random selection, or by such other impartial and equitable means as the City Council shall determine, that number of its disqualified members which, when added to the members eligible to vote, shall constitute a quorum. Any disqualified member so chosen shall not participate in any discussion of the item and shall participate in voting only to the minimum extent required for a lawful and legal decision.

3.4. MEETINGS TO BE PUBLIC

Study sessions and all regular, adjourned or special meetings of the City Council shall be open to the public; however, the City Council may hold closed sessions from which the public may be excluded for the consideration of any matter for which a closed session is permitted under applicable state law.

3.5. CONCLUSION OF MEETINGS

The Council shall endeavor to adjourn all regular, adjourned or special meetings of the City Council including study sessions at 11:00 p.m. or as soon thereafter as any matter then being considered is concluded. The Council may, by motion and majority vote, continue the meeting after such time. However, continuing the meeting after such time without such motion or vote shall not invalidate any action taken.

4. PRESIDING OFFICER

4.1. MAYOR AND MAYOR PRO TEM

4.1.1. MAYOR AS PRESIDING OFFICER.

The Mayor shall be the presiding officer at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and the Mayor Pro Tem, the City Clerk shall preside temporarily and shall immediately call for the Council to elect one of their number as a temporary presiding officer to serve until the arrival of the Mayor or the Mayor Pro Tem or until adjournment, whichever first occurs. A temporary presiding officer so elected shall be referred to by the Council and City Staff as "Mister Chairman" or "Madame Chairman" as appropriate to gender.

4.1.2. PRESIDING OFFICER AT SPECIAL PRESENTATIONS.

At the request of the Mayor, the Mayor Pro Tem may be designated as the presiding officer at the Special Presentations sessions.

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4.2. SELECTION OF MAYOR AND MAYOR PRO TEM.

4.2.1. ANNUAL SELECTION.

The City Council shall meet annually at its first regular meeting in December to choose one of its number as Mayor and another of its number as Mayor Pro Tem. The new Mayor and Mayor Pro Tem shall be installed and sworn in during a special ceremonial meeting on the first Tuesday of January and shall assume their offices at the regular City Council meeting on the second Tuesday of January. However, in the event of a need for a special meeting between the special ceremonial meeting and the regular meeting on the second Tuesday, the newly sworn Mayor shall preside.

4.2.2. CITY CLERK PRESIDES.

The City Clerk shall convene and preside at the special ceremonial meeting for the installation and swearing in of the Mayor and Mayor Pro Tem. The City Clerk shall then administer the oaths of office. Each Council member shall have an opportunity for brief comments and the meeting shall be adjourned. No other business shall be conducted at such ceremonial meeting.

4.2.3. SELECTION PROCESS.

Nominations for the office of Mayor or Mayor Pro Tem may be made by any member of the City Council and need not be seconded in order to be effective. Each selection shall be by three or more affirmative votes. In the event that no person receives three or more votes in the selection process for one or both offices, the selection process shall be repeated immediately; provided, however, that the two persons receiving the highest number of votes in the preceding selection process shall be the only nominees for the office to be filled. If, upon repeating the selection process for Mayor or Mayor Pro Tem, no person has yet received three affirmative votes for such office, the City Council may either repeat the selection process until the officer has been duly selected or may continue the selection to the next regular meeting of the City Council.

4.2.4. WRITTEN BALLOT.

Voting in the selection of Mayor and Mayor Pro Tem shall be by written ballot unless the City Council, by three or more affirmative votes, determines to conduct the selection process by voice vote. If conducted by written ballot, the vote of each Council member shall remain undisclosed until all votes have been cast and have been lodged with the City Clerk. The City Clerk

shall then read aloud into the minutes of the City Council the identity of the voting Council member and the name of the person for whom such person is voting. The written ballots shall be public documents and shall be retained in the records of the City Council. The Standard Code of Parliamentary Procedure, third edition, as revised or approved from time to time by the American Institute of Parliamentarians, shall apply to resolve any question of procedure arising during the selection process, which is not governed by this Section.

4.2.5. TERM OF OFFICE.

Except as provided in this Section, the Mayor and Mayor Pro Tem selected pursuant hereto shall serve until the next meeting scheduled for selection of Mayor and Mayor Pro Tem pursuant to this Section, and thereafter until their successors have been duly selected.

4.3. VACANCIES.

4.3.1. OCCURRENCE OF VACANCY.

The offices of Mayor and Mayor Pro Tem shall be deemed vacant upon the happening of any of the following:

- a) The death of the holder of such office;
- b) The loss or resignation from membership on the City Council by the holder of such office; or
- c) The acceptance by the City Council of the resignation from such office by the holder thereof.

4.3.2. FILLING VACANCY.

At its first regular meeting after the occurrence of a vacancy created by any of the foregoing events, the City Council shall select a successor to such office pursuant to the selection procedures established by this Section.

4.4. CALL TO ORDER

The meeting of the City Council shall be called to order by the Presiding Officer. In the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary presiding officer as provided above.

4.5. PARTICIPATION OF PRESIDING OFFICER

The presiding officer (except the City Clerk, when acting as presiding officer) may move, second, and debate from the chair, subject only to such limitations of debate as are imposed on all Council members. The presiding officer shall not be deprived of any of the rights and privileges of a Council member by reason of

acting as presiding officer. However, the presiding officer is primarily responsible for the conduct of the meeting. If the presiding officer believes that personally engaging in the making or seconding of motions or extended debate on questions before the City Council would jeopardize the presiding officer's ability to fairly and efficiently conduct the meeting, the presiding officer may, but shall not be required to, turn the responsibility of presiding over to the Mayor Pro Tem or, in the absence or inability to act of the Mayor Pro Tem, to the City Clerk for the election of another Council member as temporary presiding officer.

4.6. QUESTION TO BE STATED

The presiding officer should restate or cause to be restated each question immediately prior to Council debate and discussion and again prior to calling for the vote. Following the vote, the presiding officer should announce whether the question carried or was defeated and the vote totals. Before proceeding to the next item of business, the presiding officer may also state the effect of the vote for the benefit of the audience.

4.7. SIGNING OF DOCUMENTS

After approval as to form by the City Attorney or his deputy, the Mayor, or Mayor Pro Tem in the absence of the Mayor, shall sign ordinances, resolutions and proclamations adopted by and letters, contracts and other documents and instruments approved by the City Council. The City Clerk or Assistant City Clerk shall attest to the signature of the Mayor or Mayor Pro Tem.

5. RULES, DECORUM, AND ORDER

5.1. MAINTENANCE OF ORDER

The presiding officer is responsible for the maintenance of order and decorum at all times.

5.2. POINTS OF ORDER

The presiding officer shall determine all points of order subject to the right of any Council member to appeal to the City Council. If any appeal is taken, the question shall be "Shall the decision of the presiding officer be sustained" in which event a majority vote shall govern and conclusively determine such question of order.

5.3. LANGUAGE

All Council members, staff members and members of the public should speak respectfully and avoid the use of profanity, vulgarity and slanderous comments. Recognizing that the First Amendment precludes the City Council from prohibiting speakers from speaking based upon the content of speech, the presiding officer shall use his best efforts, short of enforcement action, to remind and encourage all

participating in the meeting to keep their speech respectful towards others and within bounds appropriate for children and persons of sensitivity toward coarse language as a courtesy to others present or otherwise viewing Council meetings.

5.4. ENFORCEMENT OF DECORUM

5.4.1. SERGEANT-AT-ARMS.

The Chief of Police or his designee shall be ex-officio sergeant-at-arms of the City Council. At meetings where a Bailiff is assigned and present, the bailiff shall act as Sergeant-at-Arms, but shall remain subject to the direction of the Police Chief. The Sergeant-at-arms shall carry out all legal and valid orders and instructions given him by the presiding officer for the purpose of maintaining order and decorum in the Council Chambers. Upon instructions from the presiding officer, it shall be the duty of the sergeant-at-arms to remove any disorderly person from the Council Chambers or place the disorderly person under arrest or both.

5.4.2. FAILURE TO YIELD, DISRUPTIONS.

Any person who refuses to relinquish the floor after their allotted time or while speaking or while attending the City Council meeting engages in conduct which disrupts the business of the meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer. Disruptive remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer who may direct the sergeant-at-arms to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the presiding officer.

5.4.3. CLEARING THE ROOM.

As set forth in Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or group of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the City Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the City Council from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

5.5. DECORUM AND ORDER – COUNCIL MEMBERS

5.5.1. MANNER OF SPEAKING.

Any Council member desiring to speak shall activate the light signaling to the presiding officer a request to speak. In the event such signal lights are not available or functional, the Council member shall first address the presiding officer. Upon recognition by the presiding officer, the Council member shall speak only to the question under debate.

5.5.2. QUESTIONING STAFF.

A Council member desiring to question the staff should address his question to the City Manager, or, in appropriate cases, the City Clerk or City Attorney, who shall be entitled either to answer the inquiry or to designate some staff member for that purpose. Such a designation may be made at the time of any staff presentation or on the agenda listing for the item.

5.5.3. INTERRUPTIONS.

Once recognized, a Council member shall not be interrupted while speaking unless called to order by the presiding officer; unless a point of order is raised by another Council member, or unless the speaker chooses to yield to questions from another Council member.

5.5.4. PERSONAL PRIVILEGE.

The right of a Council member to address the City Council on a question of personal privilege shall be limited to cases in which that Council member's integrity, character, or motives are assailed, questioned, or impugned.

5.5.5. CONFLICT OF INTEREST AND DISCLOSURE

5.5.5.1. APPLICABLE LAW.

All Council members are subject to the provisions of California law, including, but not limited to, Chapter 7, Title 9, of the California Government Code, Section 87100, et seq., relative to conflicts of interest, and to conflicts of interest codes adopted by the City Council.

5.5.5.2. NO PARTICIPATION.

Any Council member prevented from voting because of a conflict of interest shall refrain from any participation with respect to that item, including but not limited to questions, comments, debate and voting. Such Council member shall leave the Council Chambers during debate and voting on the issue.

5.5.5.3. CONTACTS AND CONSULTATIONS WITH INTERESTED PARTIES.

At the time that each matter is taken up by the City Council for action in public session and prior to participation in the consideration of that matter, each member of the City Council shall identify by name (or if sufficient legal reason exists not to disclose the name, by the general description of the person and the person's interest in the matter) each person with a material interest in the matter who has consulted with that Council member regarding the matter since the application or other proposal was actually presented to the City. Such disclosure may be oral and shall be supplemented, as required, if the matter is continued from one meeting to another. Failure to make a disclosure of consultation shall be deemed to be a representation that no disclosable consultation took place in respect to a matter coming before the City Council for action. For items requiring a public hearing as to which any party is entitled to due process of law, each Council member should discourage such contacts and consultations outside of the hearing and shall, in addition to the disclosure required above, generally describe on the public record, the content of any such communication received outside of the public hearing.

5.5.6. LIMITATION OF DEBATE

No Council member shall speak for more than five minutes each time that Council member has the floor, without the approval of a majority vote of the City Council. No Council member normally should speak more than once upon any one subject until every other Council member choosing to speak thereon has spoken. The five-minute limit set forth herein shall not apply to remarks by a Council member under Council Member Reports and Closing Comments.

5.5.7. DISSENTS, PROTESTS, AND COMMENTS

Any Council member shall have the right to express dissent from, or protest to, or comment upon, any action of the City Council and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reasons . . ."

5.6. PROCEDURES IN ABSENCE OF RULES

In the absence of a rule herein or in a written policy adopted by the City Council, to govern a point or procedure, The Standard Code of Parliamentary Procedure, third edition, shall be used as a guide, unless the Council, by majority vote or consent

adopts an interim rule for that point or procedure by motion and majority vote.

5.7. RULINGS OF PRESIDING OFFICER FINAL UNLESS OVERRULED BY COUNCIL

In presiding over City Council meetings, the presiding officer shall, with due consultation with the City Attorney, decide all questions of interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Council members present and voting and shall be binding and legally effective (even if clearly erroneous) for purposes of the matter under consideration.

5.8. DECORUM AND ORDER - PUBLIC

Decorum of public speakers during public comments shall be governed by Section 2 of these rules. Members of the audience shall not address the Council, the presiding officer, the staff or other members of the public except during public comment periods. When a member of the audience has important information, answers to questions raised during Council deliberations, or new evidence for Council consideration after the closing of the public comment period applicable to that item, the member of the public shall request to be recognized by the presiding officer by silently standing and/or raising a hand. Persons unable to stand or raise a hand may use such other means, including speaking out loud, if necessary, as are reasonably calculated to attract the attention of the presiding officer with the least disruption to the proceedings. The presiding officer shall have discretion to deny the request or briefly question the person regarding the general nature of the information held by the audience member, and/or the relevance and importance of the information. If the presiding officer deems the answers to such questions worthy of Council consideration the presiding officer shall ask for the Council to indicate, by majority consent, whether they wish to hear and consider the comments.

5.9. DECORUM AND ORDER - EMPLOYEES

The City Manager shall insure that all city employees observe proper rules of decorum. Any staff members, including the City Manager, desiring to address the City Council or members of the public shall first be recognized by the presiding officer. All remarks shall be addressed to the presiding officer or to the City Council and not to any one individual Council member or member of the public.

6. MOTIONS

6.1. WITHDRAWAL OF MOTIONS

Once a motion is made and seconded, it shall not be withdrawn by the mover without the consent of the person seconding it.

6.2. MOTIONS OUT OF ORDER

The presiding officer may at any time, by majority consent of the City Council, permit a Council member to introduce an ordinance, resolution, or motion out of the regular agenda order.

6.3. DIVISION OF QUESTION

If the question contains two or more divisible propositions, the presiding officer may, and upon request of a Council member shall, divide the same.

6.4. PRECEDENCE OF MOTIONS

When a motion is before the City Council, no motion shall be entertained except the following, which shall have precedence in the following order:

- Adjourn
- Fix hour of adjournment
- Table
- Limit or terminate discussion
- Amend
- Postpone

6.5. MOTION TO ADJOURN

A motion to adjourn shall be in order at any time, except as follows:

- a) When repeated without intervening business or discussion;
- b) When made as an interruption of a member while speaking;
- c) When discussion has been ended, and vote on motion is pending; and
- d) While a vote is being taken.

A motion to adjourn without specifying another time if adopted shall adjourn the meeting to the next regular meeting or next regular study session, whichever first occurs and shall not be debatable. A motion to adjourn to a specific time shall be debatable only as to the time to which the meeting is adjourned.

6.6. MOTION TO TABLE

A motion to table shall be used to temporarily bypass the subject. A motion to table shall not be debatable and shall not be subject to amendment. Such a motion shall immediately terminate any further debate of the subject under consideration until the motion is determined. If the motion shall prevail, the matter may be "taken from the table" by motion and majority vote at any time, subject to agenda posting and any notice requirements.

6.7. MOTION TO LIMIT OR TERMINATE DISCUSSION

Such a motion shall be used to limit or close debate on, or further amendments to, the main motion and shall not be debatable. If the motion fails, debate shall be

reopened; if the motion passes, a vote shall be taken on the main motion.

6.8. MOTION TO AMEND

A motion to amend shall be debatable only as to content of the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. Amendments shall be voted first and then the main motion, as amended.

6.9. MOTION TO SUBSTITUTE

A motion to substitute a new motion for a pending motion or to amend the pending motion by substitution shall be debatable only as to the content of the substituted motion. A motion to substitute or to amend by substitution shall be germane to the general subject matter of the pending motion but may differ in wording, purpose and/or effect. If the motion prevails, the new motion shall take the place of the former motion and any amendments previously adopted, which shall no longer be on the floor. If the motion fails, the original motion remains pending. Such a motion shall be voted on before voting on any proposed amendments not already approved.

6.10. MOTION TO CONTINUE

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

7. VOTING PROCEDURE

7.1. VOTING PROCEDURE

In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Council member present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record. ~~The order of voting shall be alphabetical by surname with the presiding officer voting last. The order of voting shall be carried out by the City Clerk in a random order as determined by the City Clerk in her/his sole discretion.~~ The clerk shall call the names of all members seated when a roll call vote is ordered or required. Members shall respond "aye," "no," or "abstain;" provided that when a vote is collectively taken by voice or when a method of voting other than by voice or roll call is used, any Council member not audibly and clearly responding "no" or "abstain" or otherwise registering an objection shall be recorded as voting "aye." There shall be no order of voting necessary in the case of electronic voting.

7.2. ROLL CALL VOTING

A roll call vote shall be used for all ordinances, resolutions and orders for

30

Rules of Procedure for Council Meetings
and Related Functions and Activities
Resolution No. 2003-17
Adopted March 25, 2003
Amended – Resolution 2011-____
Adopted December 13, 2011
Amended – Resolution 2013 - _____
Adopted February 12, 2013

franchises or payments of money. Any other question before the City Council shall not require a roll call vote unless requested by any member. It shall not be in order for members to explain their votes during roll call. Council members may change their votes before the next order of business is called.

7.3. ABSTENTIONS DISCOURAGED

Every Council member should vote "aye" or "nay" on each item unless disqualified for cause.

7.4. RECONSIDERATION

Any Council member who voted with the majority may move for reconsideration of any action at the same meeting or at the next regular meeting, so long as the item is duly listed and posted on the agenda for the subsequent meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the City Council.

7.5. TIE VOTES

Tie votes shall be lost motions. When all Council members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the City Council takes other action to further consider the matter. If a tie vote results at a time when less than all members of the City Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the City Council, unless otherwise ordered by the City Council.

8. LEGISLATIVE AND ADMINISTRATIVE ACTIONS

8.1. DEFINITIONS.

8.1.1. ORDINANCE

An "Ordinance" is a formal legislative act of the City Council having the force of law and has the meaning generally attributed to ordinances under the California Government Code. Ordinances are memorized in documents so designated and executed with the formalities required by the Government Code.

8.1.2. RESOLUTION

"Resolution" means a formal action of the City Council memorialized by a separate document, numbered in sequence, and preserved in a separate set of books. A resolution documents both the action taken by the Council and the reasons for the action and may contain findings of fact and/or recitations of legal or policy reasons for the action. "Resolutions" are used when specifically required by law, when needed as a separate evidentiary

document to be transmitted to another governmental agency, when needed for legal reasons to document important Council decisions, when documenting important policy or administrative decisions with long-term effects, or where the frequency of future reference back to its contents warrants a separate document.

8.1.3. MINUTE ORDER.

A "minute order" as used locally denotes a decision of the City Council entered in the minutes and documenting the reasons (findings of fact and policy considerations) for the decision at the request of a member of the City Council or for legal reasons at the request of the City Attorney. A "minute order" is drafted far more briefly than a "resolution" and is distinguished from a mere minute entry only by the detail entered in explaining findings of facts and policy considerations behind the Council's decision.

8.1.4. MINUTE ENTRY.

The "minute entry", is an entry in the minutes of the meeting recording a City Council action.

8.2. ORDINANCES

8.2.1. INTRODUCTION AND ADOPTION OF ORDINANCES

8.2.1.1. INTRODUCTION AND READING.

Except for urgency ordinances, ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Council members present, all ordinances shall be read in full either at the time of introduction or passage. Waiver of further reading of all ordinances on the agenda of any meeting may be done in advance as a consent calendar item.

8.2.1.2. ALTERED ORDINANCES.

When ordinances, other than urgency ordinances, are altered after introduction, they shall be introduced again and shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration and reintroduction. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

8.2.2. EFFECTIVE DATE

All ordinances, except as provided in Section 36937 of the Government code, shall take effect thirty (30) days after adoption but may be made operative at such later date as may be designated in the ordinance.

8.2.3. PUBLISHING

It shall be the duty of the City Clerk to post or publish all ordinances in accordance with Section 36933 of the Government Code within fifteen (15) days after adoption.

8.2.4. URGENCY ORDINANCES

All urgency ordinances must receive four (4) affirmative votes to be adopted and to become effective immediately. If such an ordinance fails to receive a four-fifths (4/5) majority, it may thereafter be considered and passed in the same manner and with the same effect as regular ordinances.

8.3. RESOLUTIONS

8.3.1. RESOLUTIONS PREPARED IN ADVANCE

If a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed in Section 7.1, and result declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any member may require that the resolution be read in full.

8.3.2. RESOLUTIONS NOT PREPARED IN ADVANCE

If a resolution has not been prepared in advance, the procedure shall be to instruct the City Manager or the City Attorney to prepare a resolution for presentation at a subsequent City Council meeting.

8.3.3. URGENCY RESOLUTIONS

8.3.3.1. ORAL PRESENTATION.

In matters of urgency, a resolution may be presented orally in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure in Section 8.2 above shall be followed.

8.3.3.2. DISFAVORED.

Urgency resolutions shall be avoided except when absolutely necessary; and they shall not be used when resolutions are required by law, including, but not limited to actions related to public financing, improvement acts, eminent domain, general plan and zoning matters, force account work on public projects and other matters where state

statutes specify that action must be taken by formal resolution. If the resolution has been drafted in written form, either before or during the meeting, this section shall not be deemed applicable.

8.4. POLICIES

The City Council may, by resolution or by motion, adopt written policies governing administrative and other routine matters, providing ongoing direction to City staff regarding particular subjects, or setting standards for City involvement in particular types of activities such as public financing, investment, economic development, influencing action by other governmental bodies, and such other matters as the Council may determine from time to time. Such policies shall be compiled in the City's administrative policy handbook together with policies issued by the City Manager for the direction of the City Staff.

9. COMMITTEES

9.1. FINANCE COMMITTEE

There shall be a standing committee of the City Council known as the finance committee, whose duties shall be those as prescribed in the City of Moreno Valley Municipal Code, or as otherwise assigned by the City Council. The committee shall consist of two (2) Council members appointed by the Mayor and confirmed by the City Council.

9.2. PUBLIC SAFETY COMMITTEE

There shall be a standing committee of the City Council known as the public safety committee. The committee shall consist of two (2) members who shall be Council members appointed by the Mayor and confirmed by the City Council. The public safety committee shall study matters relating to law enforcement, fire services, traffic safety, animal control, and related matters referred to it by the City Council, and shall make recommendations to the City Council.

9.3. OTHER COMMITTEES

The City Council may by resolution create other standing committees and by motion or resolution may appoint ad hoc committees for particular temporary purposes.



MORENO VALLEY
WHERE DREAMS SOAR

Proposed Changes to Rules of Procedures for City Council Meetings

Item No. G.1

-115-

City Council Meeting: February 12, 2013

Revise the Order of Business:

- Move Special Presentations to 5:30 p.m.**
- Move Call to Order to 6:00 p.m.**
- Move the period for Public Comments on Matters Not on the Agenda to commence after Introductions**
- Remove the Redevelopment Agency from the Consent Calendars and add the Housing Authority and Board of Library Trustees.**

Change in Practice (not a formal Rule of Procedure):

- Commence the Public Hearings section of the agenda at approximately 7:00 p.m. if the Public hearings have not started by that time**

Revise the number of Study Sessions:

- Add another Study Session to be scheduled on the first Tuesday of each month
- ~~“Regular closed sessions shall be held at 6 p.m. on the first Tuesday of each month, and immediately following Regular City Council Meetings and Study Sessions, unless no closed session items are scheduled for that meeting.”~~

Option to have the Mayor Pro Tem as the Presiding Officer at Special Presentations Sessions:

- Section 4.1.1 establishes the Mayor as the presiding officer at all meetings of the City Council, with the Mayor Pro Tem presiding in the Mayor's absence. It is proposed that the Mayor Pro Tem be designated as the presiding officer for the Special Presentation meetings if the Mayor so chooses.**

Revise Voting Procedures to Eliminate Alphabetical Roll Call:

- Carry out the roll call vote by the City Clerk in a random order instead of alphabetical.**

Televisе Study Session meetings

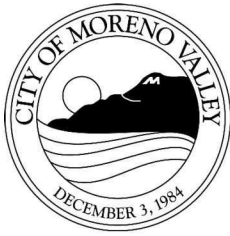
- Council to continue to conduct meetings in current Study Session configuration with limited camera functionality**



MORENO VALLEY
WHERE DREAMS SOAR

Proposed Changes to Rules of Procedures for City Council Meetings Department

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	<i>[Signature]</i>
CITY MANAGER	<i>[Signature]</i>

Report to City Council

TO: Mayor and City Council acting in their capacity as Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley

FROM: Rick Teichert, Financial & Administrative Services Director

AGENDA DATE: February 12, 2013

TITLE: APPROVE A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AUTHORIZING THE TRANSFER OF THE REMAINING BOND PROCEEDS FROM THE 2007 TAX ALLOCATION BONDS SERIES A FROM THE SUCCESSOR AGENCY TO THE CITY OF MORENO VALLEY TO COMPLETE THE REMAINING BOND FUNDED PROJECTS

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Acting in their capacity as the Successor Agency, approve Resolution No. SA 2013-01 authorizing and directing the transfer of all remaining bond proceeds from the 2007 Tax Allocation Bonds, Series A, from the Successor Agency to the City of Moreno Valley to complete the remaining bond funded projects.

BACKGROUND

The Community Redevelopment Agency of the City of Moreno Valley (RDA) was created on December 29, 1984. On January 9, 1986, the RDA entered into a Cooperation Agreement with the City of Moreno Valley that provided for the City to perform a range of administrative functions on behalf of the RDA, and to complete capital projects on behalf of the RDA including purchase of property, building and site preparation, public improvements and relocation assistance for residences and

businesses that may be displaced by a capital project. The RDA agreed to reimburse the City for any expenses incurred on behalf of the RDA in this capacity.

On July 12, 2005, the RDA and the City entered into a Public Works Agreement that provided for the City to complete public works projects on behalf of the RDA. This agreement gave the City the authority to enter into contracts on behalf of the Agency with the RDA promising to pay for the work from segregated bond funds.

On November 29, 2007, the RDA issued the 2007 Tax Allocation Bonds (TABS) in the amount of \$43,495,000 generating funding in the amount of \$41,566,717 to fund a list of projects in the redevelopment area and/or benefitting the redevelopment area. Based on the 1986 and 2005 agreements referenced, the City has been the lead agency building and constructing the approved projects.

In June 2011, the State of California passed AB X1 26 that abolished redevelopment agencies statewide. After review by the State Supreme Court, the law became effective on January 31, 2012.

The City established the Successor Agency (SA) to the Community Redevelopment Agency of the City of Moreno Valley that became effective on February 1, 2012. At the time the Successor Agency came into existence, about \$21 million of 2007 TABS proceeds remained unspent. These funds were however committed to two key capital projects (Nason Bridge and Moreno Beach Interchange) that staff was actively working on to complete design, and with Caltrans to approve the design and proceed to bid within 7-9 months. The urgency to expend the funds was to comply with IRS Code Section 149(g) which is required by the Bond Indenture of Trust to maintain the tax exempt status of the bonds. The IRS Code requires that 85% of bond proceeds be spent within 5 years of the bond issuance date or the issue is determined to be a Hedge Bond and may be retroactively taxable to the bondholders.

DISCUSSION

AB X1 26 contains numerous conflicts, with many provisions and ambiguities throughout, leaving staff and the City Council in the untenable situation of being forced to implement a poorly written law, fraught with risk and complications at every step. Staff carefully analyzed the law in respect to expenditure of the TABS funds. The Financial and Administrative Services Director wrote a 6 page white paper (Attachment 2) reviewing the conflicts in the law related to expenditure of the TABS proceeds for the two remaining projects. Completing a review of AB X1 26 and the bond documents and agreements establishing the bond covenants, staff recommended that the least risky course for the City was to proceed to expend the funds as quickly as possible to protect the tax exempt status of the bonds, which the law and the Department of Finance (DOF) instructions had directed was of utmost importance. Ultimately, AB X1 26 directs the expenditure of bond proceeds for the purpose for which they were issued, and expending the proceeds quickly is of the essence because the bonds were nearing the 5 year point, at which time 85% of bond proceeds had to be spent or risk having the IRS declare the bonds taxable.

City staff discussed this position with the DOF staff, and interpreted that the law required the proceeds to be placed on the Recognized Obligation Payment Schedule (ROPS) for review and approval by the SA, the Oversight Board to the SA, and the DOF. DOF staff concurred with the City's approach in February/March of 2012. Staff maintained a placeholder on the ROPS for the construction contracts planned to be awarded by the City on behalf of the SA in the summer/fall of 2012. These ROPS were approved as submitted and amended for ROPS 1 covering the period January 1 – June 30, 2012 and for ROPS 2 for the period July 1 – December 31, 2012.

The City was notified in June 2012 by an IRS agent that the 2007 TABS had been selected for a random audit by the IRS. Staff worked with the IRS Agent through the summer of 2012 to complete the audit work. The auditor requested staff to demonstrate compliance with IRS Code Section 149(g) which required 85% of bond proceeds to be spent within 5 years of issuance, whereas only 51% of the TABS had been spent at the time of audit. Staff explained the problems created by the economy, causing a substitution of a freeway bridge and an interchange project for a library project, and the delays encountered by the impacts of AB X1 26 in determining if the funds could be spent. At Council direction, staff is negotiating a reasonable outcome of this audit exception with the IRS to avoid the bonds being declared taxable by the IRS. This resolution is expected very soon.

Immediately following Caltrans' approval of design, the construction contracts were awarded in August 2012 for the Moreno Beach interchange project and in November 2012 for the Nason Bridge project. Staff placed these awarded contracts onto the ROPS for ROPS 3 for the period January 1 – June 30, 2013. Staff was notified in October 2012 that these contracts were rejected as recognized obligations and would not be approved on ROPS 3 by the DOF. Staff requested a "Meet and Confer" with decision makers at the DOF to resolve this disagreement. Staff traveled to Sacramento on November 5, 2012 and met with an auditor and an analyst, not decision makers on this matter, and presented the SA's case for completing the bond funded projects.

Staff received a "Final Determination" letter from the DOF stating that the construction contracts for the Nason Bridge and the Moreno Beach interchange projects were not approved on ROPS 3.

Based on this final determination by the DOF, staff is recommending that the City Council and the City Council acting as the SA, approve the transfer of the bond proceeds to the City of Moreno Valley and direct the City to complete the expenditure of bond proceeds. This action will enable the settlement of the audit exception with the IRS and prevent the TABS from being determined to be taxable by the IRS. Staff, in consultation with the attorneys for the City and SA, has determined that this is the recommended course of action amongst the various options.

Staff has worked with DOF staff at each step, ensuring every action was with the awareness and consent of the DOF. The obligations to expend bond proceeds were approved on ROPS 1 and 2. Based on Attachment 2, staff believes there is a sound legal basis through AB X1 26 and the bond documents, agreements and covenants that

the SA and the City have an obligation founded in law to expend the TAB proceeds as quickly as possible.

The risk of the DOF subsequently filing court action to return these proceeds is defensible based on the prudent and diligent actions of the City and SA since elimination of the RDA. Staff has worked with DOF staff at each step, ensuring every action was with the awareness and consent of the DOF. The obligations to expend bond proceeds were approved on ROPS 1 and 2. Based on Attachment 2, staff believes there is a sound legal basis through AB X1 26 and the bond documents, agreements and covenants that the SA and the City have an obligation founded in law to expend the TAB proceeds as quickly as possible.

The risk of not expending the proceeds will result in the TABS being determined to be taxable to bondholders. Should this occur, the cost to the City will be in the millions based on a penalty that would be calculated by the IRS, potential penalty to the bond holders, and damage to the City's credit rating and ability to enter into any future access to the tax exempt bond markets.

ALTERNATIVES

1. Approve proposed resolution authorizing the transfer of all remaining bond proceeds from the 2007 Tax Allocation Bonds, Series A, from the Successor Agency to the City of Moreno Valley to complete the remaining bond funded projects.

This will enable the bond proceeds to be spent for the purpose for which they were issued by completing the projects. This alternative will also avoid further penalties from the IRS.

There is a risk that the DOF will determine that the City should not have received custody of the bond proceeds from the Successor Agency at some point in the future. The DOF could potentially sue the City for the return of the approximately \$20 million in bond proceeds transferred. Staff believes there is a strong legal basis supporting the transfer.

2. Do not approve the proposed resolution, leaving the remaining bond proceeds with the SA. Based on the DOF directive, the remaining bond proceeds will not be able to be spent. Not spending the bond proceeds will cause the City to incur millions in IRS tax penalties, significant cost to the bondholders and resulting costly lawsuits, and will damage the City's credit rating and limit access to the municipal tax exempt bond markets for future City infrastructure financing.
3. Any other alternative that the City Council would like staff to pursue.

FISCAL IMPACT

The City has already entered into the contracts for the Nason Bridge and Moreno Beach Interchange projects. The recommended fund transfer will enable the payment of the

contractors as the work is completed. The decision to not transfer the funds will cause the bond proceeds to not be available to pay the contractors as work is completed and alternative funding sources will be required to pay for the projects. The balance of the risks related to the transfer of funds has been addressed in the Discussion and Alternatives sections of this report.

SUMMARY

Staff has worked tireless hours to understand, implement and comply with State laws directing the elimination of Redevelopment Agencies and start-up of Successor Agencies. The State has failed to create a clear and understandable process for SAs to navigate through this transition process that would enable SA staff to comply with ambiguous and conflicting legislation, confusing and ever-changing processes and requirements by the DOF. SA staff is attempting this impossible task while facing a clear determination by the State to clawback funds from local governments regardless of the consequences to the local agencies. As a result, staff finds itself having to make a very difficult recommendation to the City and SA, which is to recommend the transfer of 2007 Tax Allocation Bond proceeds from the SA to the City, and directing the City to complete the very necessary Nason Bridge and Moreno Beach interchange projects. The ultimate goal is to expend the TABS project funds as quickly as possible to avoid any further penalty from the IRS but acknowledging the possibility of a lawsuit from the State DOF.

ATTACHMENTS

Attachment 1: Proposed Resolution

Attachment 2: Analysis of the Successor Agency’s Authority to spend Bond Proceeds dated February 9, 2012

Prepared By:
Rick Teichert
Financial & Administrative Services Director

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

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RESOLUTION NO. SA 2013-01

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AUTHORIZING THE TRANSFER OF ALL REMAINING BOND PROCEEDS FROM THE 2007 TAX ALLOCATION BONDS SERIES A FROM THE SUCCESSOR AGENCY TO THE CITY OF MORENO VALLEY TO COMPLETE THE REMAINING BOND FUNDED PROJECTS

WHEREAS, the Community Redevelopment Agency of the City of Moreno Valley (RDA) was created on December 29, 1984 to provide a tool to develop and make public improvements in the established redevelopment area; and

WHEREAS, on January 9, 1986, the RDA entered into a Cooperation Agreement with the City of Moreno Valley that provided for the City to perform a range of administrative functions on behalf of the RDA, and to complete capital projects on behalf of the RDA including purchase of property, building and site preparation, public improvements and relocation assistance for residences and businesses that may be displaced by a capital project, pursuant to which the RDA agreed to reimburse the City for any expenses incurred on behalf of the RDA in this capacity; and

WHEREAS, on July 12, 2005, the RDA and the City entered into a Public Works Agreement that provided for the City to complete public works projects on behalf of the RDA. This agreement gave the City the authority to enter into contracts on behalf of the Agency with the RDA promising to pay for the work from segregated bond funds; and

WHEREAS, the RDA and the City made the requisite findings under Health and Safety Code Section 33445 in order to provide tax increment to the City to fund public works projects; and

WHEREAS, the RDA issued \$43,495,000 in 2007 Tax Allocation Bonds, Series A, (TABS) on November 29, 2007 to fund public improvement projects that would benefit the redevelopment area; and

WHEREAS, the State of California eliminated redevelopment agencies effective January 31, 2012 and enabled Cities to assume the role of Successor Agencies to the former RDAs; and

WHEREAS, the City of Moreno Valley elected to become the Successor Agency

1
Resolution No. SA 2013-01
Date Adopted: February 12, 2013

of the Redevelopment Agency of the City of Moreno Valley in January, 2012; and

WHEREAS, the Successor Agency has received a determination from the State of California Department of Finance that it does not approve the necessary contracts to complete the timely expenditure of the remaining TABS proceeds on the Recognized Obligation Schedule for the period January 1 through June 30, 2013 thereby precluding the Successor Agency from expending the bond funds for the purpose for which they were issued on a timely basis; and

WHEREAS, the TABS were selected for a random audit by the Internal Revenue Service (IRS) in June 2012, the results of which has determine non-compliance with IRS Code Section 149(g) which required 85% of the bond proceeds to be spent with a five year period and the TABS were only 51% spent at the time of the audit; and

WHEREAS, City staff is negotiating a settlement with the IRS to pay a nominal penalty representing the tax impact of the delayed expenditure that relies upon the SA and the City to expend 85% of the bond proceeds by June 30, 2013 and 100% by February 28, 2014; and

WHEREAS, this can only be accomplished if the TABS proceeds are transferred from the Successor Agency to the City to facilitate timely expenditure of the funds in compliance with the pending IRS settlement agreement.

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

1. The Successor Agency of the Redevelopment Agency of the City of Moreno Valley authorizes the transfer of all remaining bond proceeds from the 2007 Tax Allocation Bonds, Series A, from the Successor Agency effective January 1, 2013 to the City of Moreno Valley for the purpose of having the City complete the remaining public projects funded from the bond proceeds as quickly as possible to comply with the pending IRS settlement agreement to avoid any further taxable penalties form the IRS.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

2
Resolution No. SA 2013-01
Date Adopted: February 12, 2013

APPROVED AND ADOPTED this 12th day of February, 2013.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Resolution No. SA 2013-01³
Date Adopted: February 12, 2013

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. SA 2013-01 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 12th day of February, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY CLERK

(SEAL)

Resolution No. SA 2013-01⁴
Date Adopted: February 12, 2013

Analysis of the Successor Agency's Authority to spend Bond Proceeds from:

Community Redevelopment Agency of the City of Moreno Valley

2007 Tax Allocation Bonds, Series A - \$43,495,000

February 9, 2012

The language in AB X1 26 is confusing and contains conflicting language as it relates to the ability and/or legality to spend bond proceeds. This review of the language of AB X1 26 captures those areas that appear to be relative to the expenditure of bond proceeds to complete the intended projects for the benefit of the community. This review is broken into three sections. First, focusing on the language that addresses the legislature's intent to maximize the revenue diversion to the State by restricting the ability of the RDA and Successor Agency from entering into new contracts and new enforceable obligations. Particularly section 34167 states clearly the intent to preserve revenues and assets of the RDA to pay only existing obligations, with the intent to divert remaining revenues to the local government for core services, such as schools. Second, I have included language that clearly identifies that bonds are established as enforceable obligations. Finally, I have included language that identifies exceptions to the firstly stated objectives of the law. I believe that this language is permissive enough to ensure that the Successor Agency has the authority to enforce bond covenants, and expend bond proceeds to complete the projects for which they were intended.

Language that implies the intent of the legislation to limit the authority and ability of the RDA and Successor Agencies to incur new obligations and enter into new contracts includes:

**PART 1.8. RESTRICTIONS ON REDEVELOPMENT AGENCY OPERATIONS
CHAPTER 1. SUSPENSION OF AGENCY ACTIVITIES AND PROHIBITION ON
CREATION OF NEW DEBTS**

34163. Notwithstanding Part 1 (commencing with Section 33000), Part 1.5 (commencing with Section 34000), Part 1.6 (commencing with Section 34050), and Part 1.7 (commencing with Section 34100), or any other law, commencing on the effective date of this part, an agency shall not have the authority to, and shall not, do any of the following:

(b) Enter into contracts with, incur obligations, or make commitments to, any entity, whether governmental, tribal, or private, or any individual or groups of individuals for any purpose, including, but not limited to, loan agreements, pass-through agreements, regulatory agreements, services contracts, leases, disposition and development agreements, joint exercise of powers agreements, contracts for the purchase of capital equipment, agreements for redevelopment activities, including, but not limited to, agreements for planning, design, redesign, development, demolition, alteration, construction, reconstruction, rehabilitation, site remediation, site development or improvement, removal of graffiti, land clearance, and seismic retrofits.

34167. (a) This part is intended to preserve, to the maximum extent possible, the revenues and assets of redevelopment agencies so that those assets and revenues that are not needed to pay for enforceable obligations may be used by local governments to fund core governmental services including police and fire protection services and schools. It is the intent of the Legislature that redevelopment agencies take no actions that would further deplete the corpus of the agencies' funds regardless of their original source. All provisions of this part shall be construed as broadly as possible to support this intent and to restrict the expenditure of funds to the fullest extent possible.

Bonds of the former RDA are clearly identified as enforceable obligations.

34171. The following terms shall have the following meanings:

(d) (1) "Enforceable obligation" means any of the following:

(A) Bonds, as defined by Section 33602 and bonds issued pursuant to Section 58383 of the Government Code, including the required debt service, reserve set-asides, and any other payments required under the indenture or similar documents governing the issuance of the outstanding bonds of the former redevelopment agency.

Language that provides for certain exemptions from the requirements restricting the expenditure of bond proceeds and requires compliance with existing bond covenants:

**PART 1.8. RESTRICTIONS ON REDEVELOPMENT AGENCY OPERATIONS
CHAPTER 1. SUSPENSION OF AGENCY ACTIVITIES AND PROHIBITION ON
CREATION OF NEW DEBTS**

34167.

(f) Nothing in this part shall be construed to interfere with a redevelopment agency's authority, pursuant to enforceable obligations as defined in this chapter, to (1) make payments due, (2) enforce existing covenants and obligations, or (3) perform its obligations.

CHAPTER 2. REDEVELOPMENT AGENCY RESPONSIBILITIES

34169. Until successor agencies are authorized pursuant to Part 1.85 (commencing with Section 34170), redevelopment agencies shall do all of the following:

(a) Continue to make all scheduled payments for enforceable obligations, as defined in subdivision (d) of Section 34167.

(b) Perform obligations required pursuant to any enforceable obligations, including, but not limited to, observing covenants for continuing disclosure obligations and those aimed at preserving the tax-exempt status of interest payable on any outstanding agency bonds.

CHAPTER 2. EFFECT OF REDEVELOPMENT AGENCY DISSOLUTION

34173. (a) Successor agencies, as defined in this part, are hereby designated as successor entities to the former redevelopment agencies.

(b) Except for those provisions of the Community Redevelopment Law that are repealed, restricted, or revised pursuant to the act adding this part, all authority, rights, powers, duties, and obligations previously vested with the former redevelopment agencies, under the Community Redevelopment Law, are hereby vested in the successor agencies.

34174. (a) Solely for the purposes of Section 16 of Article XVI of the California Constitution, commencing on the effective date of this part, all agency loans, advances, or indebtedness, and interest thereon, shall be deemed extinguished and paid; provided, however, that nothing herein is intended to absolve the successor agency of payment or other obligations due or imposed pursuant to the enforceable obligations; and provided further, that nothing in the act adding this part is intended to be construed as an action or circumstance that may give rise to an event of default under any of the documents governing the enforceable obligations.

CHAPTER 3. SUCCESSOR AGENCIES

34177. Successor agencies are required to do all of the following:

(c) Perform obligations required pursuant to any enforceable obligation.

(i) Continue to oversee development of properties until the contracted work has been completed or the contractual obligations of the former redevelopment agency can be transferred to other parties. Bond proceeds shall be used for the purposes for which bonds were sold unless the purposes can no longer be achieved, in which case, the proceeds may be used to defease the bonds.

The new law includes specific language in Section 34167(f) that nothing in this part shall be construed to interfere with a redevelopment agency's authority, pursuant to enforceable obligations as defined in this chapter, to (1) make payments due, (2) enforce existing covenants and obligations, or (3) perform its obligations. This is clear that the legislature expected RDA's to continue to meet the obligations of bond covenants. See the following section of this review regarding specific bond covenants requiring the expenditure of bond proceeds to occur within a five year period to protect the bonds from becoming "Hedge Bonds" which would potentially have then become taxable to the bondholders.

Section 34173 states that the Successor agency is intended to have the authority and obligations previously vested with the former RDA, except for the rights repealed by the new law. Stating the obligation in Section 34169(f) to enforce bond covenants is an obligation until the RDA no longer exists would indicate that this is an obligation that would now be required of the Successor Agency in Section 34173.

Section 34174 includes the statement that the law does not absolve the Successor Agency of payment or OTHER OBLIGATIONS and continues that this law should not give rise to a default on any of the documents governing enforceable obligations. The bond covenants would clearly be "other obligations" and are included as documents governing enforceable obligations (bonds).

Section 34177 clearly states that the Successor Agency is required to perform obligations required pursuant to any enforceable obligations, which would include obligations required in bond covenants.

Based on these particular citations of the law, I believe the Successor Agency is required to meet the requirements of bond covenants related to the 2007 Tax Allocation Bonds, Series A - \$43,495,000.

Relevant Bond Covenants:

The Indenture of Trust contains key bond covenants related to the 2007 Tax Allocation Bonds, Series A - \$43,495,000 (TABS). These covenants were relied upon by investors purchasing the RDA TABS as investments. The key provision when investing in these bonds is the tax exempt status of the interest paid on the bonds. Investors that buy this type of municipal bond are doing it solely for the tax advantage of the tax exempt bonds.

INDENTURE OF TRUST

Section 1.1 Definitions

“Tax Certificate” means the Tax Certificate of the Agency executed and delivered on the Closing Date to establish certain facts and expectations with respect to the 2007 bonds.

Article V

OTHER COVENANTS OF THE AGENCY

Section 5.1 Punctual Payment. ... The Agency shall faithfully observe and perform all of the conditions, covenants and requirements of this Indenture. ...

Section 5.10 Tax Covenants Relating to 2007 Bonds. The Agency agrees to contest by court action or otherwise any assertions by the United States of America or any department or agency thereof that the interest received by the Owners is includable in gross income of the recipient under federal income tax laws. ... the Agency covenants to comply with all applicable requirements of the Code necessary to preserve such exclusion from gross income and specifically covenants, without limiting the generality of the foregoing, as follow:

...

(f) Hedge Bonds. The Agency will make no use of the proceeds of the 2007 Bonds ... or take any action or refrain from taking any action that would cause the 2007 Bonds ... to be considered “hedge bonds” within the meaning of Section 149(g) of the Code unless the Agency takes all necessary action to assure compliance with the requirements of Section 149(g) of the Code to maintain the exclusion from gross income of interest on the 2007 Bonds and any Parity Debt for federal income tax purposes ...

TAX CERTIFICATE

The Community Redevelopment Agency of the City of Moreno Valley ... hereby make the following representations of facts and expectations and covenants to comply with the requirements of this Tax Certificate in connection with the Agency's 2007 Tax Allocation Bonds, Series A ...

VI. Miscellaneous

(e) Hedge Bonds. ... The Issuer reasonably expects that 10 percent of the new money proceeds of the Obligations will be expended within one year, 30 percent within two year, 60 percent within three years, and 85 percent within five years. ...

IRS CODE

Sec. 149. Bonds must be registered to be tax exempt; other requirements

(g) Treatment of hedge bonds

(1) In general

Section 103(a) shall not apply to any hedge bond unless, with respect to the issue of which such bond is a part -

(A) the requirement of paragraph (2) is met, and

(B) the requirement of subsection (f)(3) is met.

(2) Reasonable expectations as to when proceeds will be spent

An issue meets the requirement of this paragraph if the issuer reasonably expects that -

(A) 10 percent of the spendable proceeds of the issue will be spent for the governmental purposes of the issue within the 1-year period beginning on the date the bonds are issued,

(B) 30 percent of the spendable proceeds of the issue will be spent for such purposes within the 2-year period beginning on such date,

(C) 60 percent of the spendable proceeds of the issue will be spent for such purposes within the 3-year period beginning on such date, and

(D) 85 percent of the spendable proceeds of the issue will be spent for such purposes within the 5-year period beginning on such date.

Conclusion:

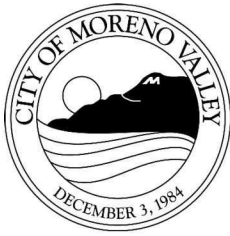
Based on the cited bond documents, the RDA and now the Successor Agency are bound to protect the tax exempt status of the bonds as a committed obligation to the bond holder. One of the key elements of maintaining the tax exempt status is compliance with Internal Revenue Code Section 149(g) that establishes timelines for expenditure of the bond proceeds. This is to ensure timely expenditure and prevent the bonds from being determined to be hedge bonds.

If the IRS or any federal department were to make this determination, the Successor Agency is bound by bond covenant to expend funds to take court action to fight this determination. It is clearly in the best interest of the Successor Agency to comply with the expenditure requirement for the bond proceeds, as required by the Bond Indenture and the Tax Certificate.

My recommendation is to expend the remaining bond proceeds as quickly as possible to ensure compliance with the bond covenants and IR Code Section 149(g).

This review needs to be analyzed by legal staff. I am comfortable with this approach from a Financial perspective as CFO for the City and the Successor Agency.

Richard Teichert
Financial and Administrative Services Director



APPROVALS	
BUDGET OFFICER	<i>[Signature]</i>
CITY ATTORNEY	<i>[Signature]</i>
CITY MANAGER	<i>[Signature]</i>

Report to City Council

TO: Mayor and City Council

FROM: Rick Teichert, Financial & Administrative Services Director

AGENDA DATE: February 12, 2013

TITLE: APPROVE A RESOLUTION OF THE CITY OF MORENO VALLEY AUTHORIZING THE RECEIPT OF THE REMAINING BOND PROCEEDS FROM THE 2007 TAX ALLOCATION BONDS SERIES A FROM THE SUCCESSOR AGENCY TO COMPLETE THE BOND FUNDED PROJECTS AND AUTHORIZING THE ESTABLISHMENT OF THE REQUIRED FUNDS AND ACCOUNTS FOR ACCOUNTING PURPOSES

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Approve Resolution No. 2013-11 authorizing the receipt of remaining bond proceeds from the 2007 Tax Allocation Bonds, Series A, from the Successor Agency of the Community Redevelopment Agency of the City of Moreno Valley, and direct the City to complete the remaining bond funded projects and authorizing and directing staff to establish all funds and accounts necessary to record and report on the expenditure of bond proceeds for accounting purposes.

BACKGROUND

The Community Redevelopment Agency of the City of Moreno Valley (RDA) was created on December 29, 1984. On January 9, 1986, the RDA entered into a Cooperation Agreement with the City of Moreno Valley that provided for the City to perform a range of administrative functions on behalf of the RDA, and to complete capital projects on behalf of the RDA including purchase of property, building and site preparation, public improvements and relocation assistance for residences and businesses that may be displaced by a capital project. The RDA agreed to reimburse the City for any expenses incurred on behalf of the RDA in this capacity.

On July 12, 2005, the RDA and the City entered into a Public Works Agreement that provided for the City to complete public works projects on behalf of the RDA. This agreement gave the City the authority to enter into contracts on behalf of the Agency with the RDA promising to pay for the work from segregated bond funds.

On November 29, 2007, the RDA issued the 2007 Tax Allocation Bonds (TABS) in the amount of \$43,495,000 generating funding in the amount of \$41,566,717 to fund a list of projects in the redevelopment area and/or benefitting the redevelopment area. Based on the 1986 and 2005 agreements referenced, the City has been the lead agency building and constructing the approved projects.

In June 2011, the State of California passed AB X1 26 that abolished redevelopment agencies statewide. After review by the State Supreme Court, the law became effective on January 31, 2012.

The City established the Successor Agency (SA) to the Community Redevelopment Agency of the City of Moreno Valley that became effective on February 1, 2012. At the time the Successor Agency came into existence, about \$21 million of 2007 TABS proceeds remained unspent. These funds were however committed to two key capital projects (Nason Bridge and Moreno Beach Interchange) that staff was actively working on to complete design, and with Caltrans to approve the design and proceed to bid within 7-9 months. The urgency to expend the funds was to comply with IRS Code Section 149(g) which is required by the Bond Indenture of Trust to maintain the tax exempt status of the bonds. The IRS Code requires that 85% of bond proceeds be spent within 5 years of the bond issuance date or the issue is determined to be a Hedge Bond and may be retroactively taxable to the bondholders.

DISCUSSION

AB X1 26 contains numerous conflicts, with many provisions and ambiguities throughout, leaving staff and the City Council in the untenable situation of being forced to implement a poorly written law, fraught with risk and complications at every step. Staff carefully analyzed the law in respect to expenditure of the TABS funds. The Financial and Administrative Services Director wrote a 6 page white paper (Attachment 2) reviewing the conflicts in the law related to expenditure of the TABS proceeds for the two remaining projects. Completing a review of AB X1 26 and the bond documents and agreements establishing the bond covenants, staff recommended that the least risky course for the City was to proceed to expend the funds as quickly as possible to protect the tax exempt status of the bonds, which the law and the Department of Finance (DOF) instructions had directed was of utmost importance. Ultimately, AB X1 26 directs the expenditure of bond proceeds for the purpose for which they were issued, and expending the proceeds quickly is of the essence because the bonds were nearing the 5 year point, at which time 85% of bond proceeds had to be spent or risk having the IRS declare the bonds taxable.

City staff discussed this position with the DOF staff, and interpreted that the law required the proceeds to be placed on the Recognized Obligation Payment Schedule

(ROPS) for review and approval by the SA, the Oversight Board to the SA, and the DOF. DOF staff concurred with the City's approach in February/March of 2012. Staff maintained a placeholder on the ROPS for the construction contracts planned to be awarded by the City on behalf of the SA in the summer/fall of 2012. These ROPS were approved as submitted and amended for ROPS 1 covering the period January 1 – June 30, 2012 and for ROPS 2 for the period July 1 – December 31, 2012.

The City was notified in June 2012 by an IRS agent that the 2007 TABS had been selected for a random audit by the IRS. Staff worked with the IRS Agent through the summer of 2012 to complete the audit work. The auditor requested staff to demonstrate compliance with IRS Code Section 149(g) which required 85% of bond proceeds to be spent within 5 years of issuance, whereas only 51% of the TABS had been spent at the time of audit. Staff explained the problems created by the economy, causing a substitution of a freeway bridge and an interchange project for a library project, and the delays encountered by the impacts of AB X1 26 in determining if the funds could be spent. At Council direction, staff is negotiating a reasonable outcome of this audit exception with the IRS to avoid the bonds being declared taxable by the IRS. This resolution is expected very soon.

Immediately following Caltrans' approval of design, the construction contracts were awarded in August 2012 for the Moreno Beach interchange project and in November 2012 for the Nason Bridge project. Staff placed these awarded contracts onto the ROPS for ROPS 3 for the period January 1 – June 30, 2013. Staff was notified in October 2012 that these contracts were rejected as recognized obligations and would not be approved on ROPS 3 by the DOF. Staff requested a "Meet and Confer" with decision makers at the DOF to resolve this disagreement. Staff traveled to Sacramento on November 5, 2012 and met with an auditor and an analyst, not decision makers on this matter, and presented the SA's case for completing the bond funded projects.

Staff received a "Final Determination" letter from the DOF stating that the construction contracts for the Nason Bridge and the Moreno Beach interchange projects were not approved on ROPS 3.

Based on this final determination by the DOF, staff is recommending that the City Council and the City Council acting as the SA, approve the transfer of the bond proceeds to the City of Moreno Valley and direct the City to complete the expenditure of bond proceeds. This action will enable the settlement of the audit exception with the IRS and prevent the TABS from being determined to be taxable by the IRS. Staff, in consultation with the attorneys for the City and SA, has determined that this is the recommended course of action amongst the various options.

Staff has worked with DOF staff at each step, ensuring every action was with the awareness and consent of the DOF. The obligations to expend bond proceeds were approved on ROPS 1 and 2. Based on Attachment 2, staff believes there is a sound legal basis through AB X1 26 and the bond documents, agreements and covenants that the SA and the City have an obligation founded in law to expend the TAB proceeds as quickly as possible.

The risk of the DOF subsequently filing court action to return these proceeds is defensible based on the prudent and diligent actions of the City and SA since elimination of the RDA. Staff has worked with DOF staff at each step, ensuring every action was with the awareness and consent of the DOF. The obligations to expend bond proceeds were approved on ROPS 1 and 2. Based on Attachment 2, staff believes there is a sound legal basis through AB X1 26 and the bond documents, agreements and covenants that the SA and the City have an obligation founded in law to expend the TAB proceeds as quickly as possible.

The risk of not expending the proceeds will result in the TABS being determined to be taxable to bondholders. Should this occur, the cost to the City will be in the millions based on a penalty that would be calculated by the IRS, potential penalty to the bond holders, and damage to the City's credit rating and ability to enter into any future access to the tax exempt bond markets.

ALTERNATIVES

1. Approve proposed resolution authorizing the receipt of the remaining bond proceeds from the 2007 Tax Allocation Bonds, Series A, from the Successor Agency of the Community Redevelopment Agency of the City of Moreno Valley, and direct the City to complete the remaining bond funded projects; and authorizing and directing staff to establish all funds and accounts necessary to record and report on the expenditure of bond proceeds in accordance with Generally Accepted Accounting Principles.

This will enable the bond proceeds to be spent for the purpose for which they were issued by completing the projects. This alternative will also avoid further penalties from the IRS.

There is a risk that the DOF will determine that the City should not have received custody of the bond proceeds from the Successor Agency at some point in the future. The DOF could potentially sue the City for the return of the approximately \$20 million in bond proceeds transferred. Staff believes there is a strong legal basis supporting the transfer.

2. Do not approve the proposed resolution, leaving the remaining bond proceeds with the SA. Based on the DOF directive, the remaining bond proceeds will not be able to be spent. Not spending the bond proceeds will cause the City to incur millions in IRS tax penalties, significant cost to the bondholders and resulting costly lawsuits, and will damage the City's credit rating and limit access to the municipal tax exempt bond markets for future City infrastructure financing.
3. Any other alternative that the City Council would like staff to pursue.

FISCAL IMPACT

The City has already entered into the contracts for the Nason Bridge and Moreno Beach Interchange projects. The recommended fund transfer will guarantee that the funding to

pay these contracts is available to pay the contractors as the work is completed. The decision to not transfer the funds will cause the bond proceeds to not be available to pay the contractors as work is completed and alternative funding sources will be required to pay for the projects. The balance of the risks related to the transfer of funds has been addressed in the Discussion and Alternatives sections of this report.

SUMMARY

Staff has worked tireless hours to understand, implement and comply with State laws directing the elimination of Redevelopment Agencies and start-up of Successor Agencies. The State has failed to create a clear and understandable process for SAs to navigate through this transition process that would enable SA staff to comply with ambiguous and conflicting legislation, confusing and ever-changing processes and requirements by the DOF. SA staff is attempting this impossible task while facing a clear determination by the State to clawback funds from local governments regardless of the consequences to the local agencies. As a result, staff finds itself having to make a very difficult recommendation to the City and SA, which is to recommend the transfer of 2007 Tax Allocation Bond proceeds from the SA to the City, and directing the City to complete the very necessary Nason Bridge and Moreno Beach interchange projects. The ultimate goal is to expend the TABS project funds as quickly as possible to avoid any further penalty from the IRS but acknowledging the possibility of a lawsuit from the State DOF.

ATTACHMENTS

Attachment 1: Proposed Resolution

Attachment 2: Analysis of the Successor Agency's Authority to spend Bond Proceeds dated February 9, 2012

Prepared By:
Rick Teichert
Financial & Administrative Services Director

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

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RESOLUTION NO. 2013-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE RECEIPT OF REMAINING BOND PROCEEDS FROM THE 2007 TAX ALLOCATION BONDS SERIES A FROM THE SUCCESSOR AGENCY TO COMPLETE THE REMAINING BOND FUNDED PROJECTS AND AUTHORIZING THE ESTABLISHMENT OF THE REQUIRED FUNDS AND ACCOUNTS FOR ACCOUNTING PURPOSES

WHEREAS, the Community Redevelopment Agency of the City of Moreno Valley (RDA) was created on December 29, 1984 to provide a tool to develop and make public improvements in the established redevelopment area; and

WHEREAS, on January 9, 1986, the RDA entered into a Cooperation Agreement with the City of Moreno Valley that provided for the City to perform a range of administrative functions on behalf of the RDA, and to complete capital projects on behalf of the RDA including purchase of property, building and site preparation, public improvements and relocation assistance for residences and businesses that may be displaced by a capital project, pursuant to which the RDA agreed to reimburse the City for any expenses incurred on behalf of the RDA in this capacity; and

WHEREAS, on July 12, 2005, the RDA and the City entered into a Public Works Agreement that provided for the City to complete public works projects on behalf of the RDA. This agreement gave the City the authority to enter into contracts on behalf of the Agency with the RDA promising to pay for the work from segregated bond funds; and

WHEREAS, the RDA and the City made the requisite findings under Health and Safety Code Section 33445 in order to provide tax increment to the City to fund public works projects; and

WHEREAS, the RDA issued \$43,495,000 in 2007 Tax Allocation Bonds, Series A, (TABS) on November 29, 2007 to fund public improvement projects that would benefit the redevelopment area; and

WHEREAS, the State of California eliminated redevelopment agencies effective January 31, 2012 and enabled Cities to assume the role of Successor Agencies to the former RDAs; and

WHEREAS, the City of Moreno Valley elected to become the Successor Agency of the Redevelopment Agency of the City of Moreno Valley in January, 2012; and

1
Resolution No. 2013-11
Date Adopted: February 12, 2013

WHEREAS, the Successor Agency has received a determination from the State of California Department of Finance that it does not approve the necessary contracts to complete the timely expenditure of the remaining TABS proceeds on the Recognized Obligation Schedule for the period January 1 through June 30, 2013 thereby precluding the Successor Agency from expending the bond funds for the purpose for which they were issued on a timely basis; and

WHEREAS, the TABS were selected for a random audit by the Internal Revenue Service (IRS) in June 2012, the results of which has determined non-compliance with IRS Code Section 149(g) which required 85% of the bond proceeds to be spent with a five year period and the TABS were only 51% spent at the time of the audit; and

WHEREAS, City staff is negotiating a settlement with the IRS to pay a nominal penalty representing the tax impact of the delayed expenditure that relies upon the SA and the City to expend 85% of the bond proceeds by June 30, 2013 and 100% by February 28, 2014; and

WHEREAS, this can only be accomplished if the TABS proceeds are transferred from the Successor Agency to the City to facilitate timely expenditure of the funds in compliance with the pending IRS settlement agreement.

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

1. The City of Moreno Valley accepts the receipt of all transferred remaining bond proceeds from the 2007 Tax Allocation Bonds, Series A, from the Successor Agency effective January 1, 2013 for the purpose of having the City complete the remaining public projects funded from the bond proceeds as quickly as possible to comply with the pending IRS settlement agreement to avoid any further taxable penalties from the IRS.
2. The City Council authorizes the Financial and Administrative Services Director and his delegates to establish the necessary funds and accounts to properly account for the expenditure of the bond proceeds in accordance with Generally Accepted Accounting Principles and to replicate all project appropriations that currently exist for the expenditure of the bond funds within the newly established funds of the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 12th day of February, 2013.

2
Resolution No. 2013-XX
Date Adopted: February 12, 2013

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Resolution No. 2013-XX³
Date Adopted: February 12, 2013

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. 2013-__ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 12th day of February, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY CLERK

(SEAL)

2043745.1

4
Resolution No. 2013-XX
Date Adopted: February 12, 2013

Analysis of the Successor Agency's Authority to spend Bond Proceeds from:

Community Redevelopment Agency of the City of Moreno Valley

2007 Tax Allocation Bonds, Series A - \$43,495,000

February 9, 2012

The language in AB X1 26 is confusing and contains conflicting language as it relates to the ability and/or legality to spend bond proceeds. This review of the language of AB X1 26 captures those areas that appear to be relative to the expenditure of bond proceeds to complete the intended projects for the benefit of the community. This review is broken into three sections. First, focusing on the language that addresses the legislature's intent to maximize the revenue diversion to the State by restricting the ability of the RDA and Successor Agency from entering into new contracts and new enforceable obligations. Particularly section 34167 states clearly the intent to preserve revenues and assets of the RDA to pay only existing obligations, with the intent to divert remaining revenues to the local government for core services, such as schools. Second, I have included language that clearly identifies that bonds are established as enforceable obligations. Finally, I have included language that identifies exceptions to the firstly stated objectives of the law. I believe that this language is permissive enough to ensure that the Successor Agency has the authority to enforce bond covenants, and expend bond proceeds to complete the projects for which they were intended.

Language that implies the intent of the legislation to limit the authority and ability of the RDA and Successor Agencies to incur new obligations and enter into new contracts includes:

**PART 1.8. RESTRICTIONS ON REDEVELOPMENT AGENCY OPERATIONS
CHAPTER 1. SUSPENSION OF AGENCY ACTIVITIES AND PROHIBITION ON
CREATION OF NEW DEBTS**

34163. Notwithstanding Part 1 (commencing with Section 33000), Part 1.5 (commencing with Section 34000), Part 1.6 (commencing with Section 34050), and Part 1.7 (commencing with Section 34100), or any other law, commencing on the effective date of this part, an agency shall not have the authority to, and shall not, do any of the following:

(b) Enter into contracts with, incur obligations, or make commitments to, any entity, whether governmental, tribal, or private, or any individual or groups of individuals for any purpose, including, but not limited to, loan agreements, pass-through agreements, regulatory agreements, services contracts, leases, disposition and development agreements, joint exercise of powers agreements, contracts for the purchase of capital equipment, agreements for redevelopment activities, including, but not limited to, agreements for planning, design, redesign, development, demolition, alteration, construction, reconstruction, rehabilitation, site remediation, site development or improvement, removal of graffiti, land clearance, and seismic retrofits.

34167. (a) This part is intended to preserve, to the maximum extent possible, the revenues and assets of redevelopment agencies so that those assets and revenues that are not needed to pay for enforceable obligations may be used by local governments to fund core governmental services including police and fire protection services and schools. It is the intent of the Legislature that redevelopment agencies take no actions that would further deplete the corpus of the agencies' funds regardless of their original source. All provisions of this part shall be construed as broadly as possible to support this intent and to restrict the expenditure of funds to the fullest extent possible.

Bonds of the former RDA are clearly identified as enforceable obligations.

34171. The following terms shall have the following meanings:

(d) (1) "Enforceable obligation" means any of the following:

(A) Bonds, as defined by Section 33602 and bonds issued pursuant to Section 58383 of the Government Code, including the required debt service, reserve set-asides, and any other payments required under the indenture or similar documents governing the issuance of the outstanding bonds of the former redevelopment agency.

Language that provides for certain exemptions from the requirements restricting the expenditure of bond proceeds and requires compliance with existing bond covenants:

**PART 1.8. RESTRICTIONS ON REDEVELOPMENT AGENCY OPERATIONS
CHAPTER 1. SUSPENSION OF AGENCY ACTIVITIES AND PROHIBITION ON
CREATION OF NEW DEBTS**

34167.

(f) Nothing in this part shall be construed to interfere with a redevelopment agency's authority, pursuant to enforceable obligations as defined in this chapter, to (1) make payments due, (2) enforce existing covenants and obligations, or (3) perform its obligations.

CHAPTER 2. REDEVELOPMENT AGENCY RESPONSIBILITIES

34169. Until successor agencies are authorized pursuant to Part 1.85 (commencing with Section 34170), redevelopment agencies shall do all of the following:

(a) Continue to make all scheduled payments for enforceable obligations, as defined in subdivision (d) of Section 34167.

(b) Perform obligations required pursuant to any enforceable obligations, including, but not limited to, observing covenants for continuing disclosure obligations and those aimed at preserving the tax-exempt status of interest payable on any outstanding agency bonds.

CHAPTER 2. EFFECT OF REDEVELOPMENT AGENCY DISSOLUTION

34173. (a) Successor agencies, as defined in this part, are hereby designated as successor entities to the former redevelopment agencies.

(b) Except for those provisions of the Community Redevelopment Law that are repealed, restricted, or revised pursuant to the act adding this part, all authority, rights, powers, duties, and obligations previously vested with the former redevelopment agencies, under the Community Redevelopment Law, are hereby vested in the successor agencies.

34174. (a) Solely for the purposes of Section 16 of Article XVI of the California Constitution, commencing on the effective date of this part, all agency loans, advances, or indebtedness, and interest thereon, shall be deemed extinguished and paid; provided, however, that nothing herein is intended to absolve the successor agency of payment or other obligations due or imposed pursuant to the enforceable obligations; and provided further, that nothing in the act adding this part is intended to be construed as an action or circumstance that may give rise to an event of default under any of the documents governing the enforceable obligations.

CHAPTER 3. SUCCESSOR AGENCIES

34177. Successor agencies are required to do all of the following:

(c) Perform obligations required pursuant to any enforceable obligation.

(i) Continue to oversee development of properties until the contracted work has been completed or the contractual obligations of the former redevelopment agency can be transferred to other parties. Bond proceeds shall be used for the purposes for which bonds were sold unless the purposes can no longer be achieved, in which case, the proceeds may be used to defease the bonds.

The new law includes specific language in Section 34167(f) that nothing in this part shall be construed to interfere with a redevelopment agency's authority, pursuant to enforceable obligations as defined in this chapter, to (1) make payments due, (2) enforce existing covenants and obligations, or (3) perform its obligations. This is clear that the legislature expected RDA's to continue to meet the obligations of bond covenants. See the following section of this review regarding specific bond covenants requiring the expenditure of bond proceeds to occur within a five year period to protect the bonds from becoming "Hedge Bonds" which would potentially have then become taxable to the bondholders.

Section 34173 states that the Successor agency is intended to have the authority and obligations previously vested with the former RDA, except for the rights repealed by the new law. Stating the obligation in Section 34169(f) to enforce bond covenants is an obligation until the RDA no longer exists would indicate that this is an obligation that would now be required of the Successor Agency in Section 34173.

Section 34174 includes the statement that the law does not absolve the Successor Agency of payment or OTHER OBLIGATIONS and continues that this law should not give rise to a default on any of the documents governing enforceable obligations. The bond covenants would clearly be "other obligations" and are included as documents governing enforceable obligations (bonds).

Section 34177 clearly states that the Successor Agency is required to perform obligations required pursuant to any enforceable obligations, which would include obligations required in bond covenants.

Based on these particular citations of the law, I believe the Successor Agency is required to meet the requirements of bond covenants related to the 2007 Tax Allocation Bonds, Series A - \$43,495,000.

Relevant Bond Covenants:

The Indenture of Trust contains key bond covenants related to the 2007 Tax Allocation Bonds, Series A - \$43,495,000 (TABS). These covenants were relied upon by investors purchasing the RDA TABS as investments. The key provision when investing in these bonds is the tax exempt status of the interest paid on the bonds. Investors that buy this type of municipal bond are doing it solely for the tax advantage of the tax exempt bonds.

INDENTURE OF TRUST

Section 1.1 Definitions

“Tax Certificate” means the Tax Certificate of the Agency executed and delivered on the Closing Date to establish certain facts and expectations with respect to the 2007 bonds.

Article V

OTHER COVENANTS OF THE AGENCY

Section 5.1 Punctual Payment. ... The Agency shall faithfully observe and perform all of the conditions, covenants and requirements of this Indenture. ...

Section 5.10 Tax Covenants Relating to 2007 Bonds. The Agency agrees to contest by court action or otherwise any assertions by the United States of America or any department or agency thereof that the interest received by the Owners is includable in gross income of the recipient under federal income tax laws. ... the Agency covenants to comply with all applicable requirements of the Code necessary to preserve such exclusion from gross income and specifically covenants, without limiting the generality of the foregoing, as follow:

...

(f) Hedge Bonds. The Agency will make no use of the proceeds of the 2007 Bonds ... or take any action or refrain from taking any action that would cause the 2007 Bonds ... to be considered “hedge bonds” within the meaning of Section 149(g) of the Code unless the Agency takes all necessary action to assure compliance with the requirements of Section 149(g) of the Code to maintain the exclusion from gross income of interest on the 2007 Bonds and any Parity Debt for federal income tax purposes ...

TAX CERTIFICATE

The Community Redevelopment Agency of the City of Moreno Valley ... hereby make the following representations of facts and expectations and covenants to comply with the requirements of this Tax Certificate in connection with the Agency's 2007 Tax Allocation Bonds, Series A ...

VI. Miscellaneous

(e) Hedge Bonds. ... The Issuer reasonably expects that 10 percent of the new money proceeds of the Obligations will be expended within one year, 30 percent within two year, 60 percent within three years, and 85 percent within five years. ...

IRS CODE

Sec. 149. Bonds must be registered to be tax exempt; other requirements

(g) Treatment of hedge bonds

(1) In general

Section 103(a) shall not apply to any hedge bond unless, with respect to the issue of which such bond is a part -

(A) the requirement of paragraph (2) is met, and

(B) the requirement of subsection (f)(3) is met.

(2) Reasonable expectations as to when proceeds will be spent

An issue meets the requirement of this paragraph if the issuer reasonably expects that -

(A) 10 percent of the spendable proceeds of the issue will be spent for the governmental purposes of the issue within the 1-year period beginning on the date the bonds are issued,

(B) 30 percent of the spendable proceeds of the issue will be spent for such purposes within the 2-year period beginning on such date,

(C) 60 percent of the spendable proceeds of the issue will be spent for such purposes within the 3-year period beginning on such date, and

(D) 85 percent of the spendable proceeds of the issue will be spent for such purposes within the 5-year period beginning on such date.

Conclusion:

Based on the cited bond documents, the RDA and now the Successor Agency are bound to protect the tax exempt status of the bonds as a committed obligation to the bond holder. One of the key elements of maintaining the tax exempt status is compliance with Internal Revenue Code Section 149(g) that establishes timelines for expenditure of the bond proceeds. This is to ensure timely expenditure and prevent the bonds from being determined to be hedge bonds.

If the IRS or any federal department were to make this determination, the Successor Agency is bound by bond covenant to expend funds to take court action to fight this determination. It is clearly in the best interest of the Successor Agency to comply with the expenditure requirement for the bond proceeds, as required by the Bond Indenture and the Tax Certificate.

My recommendation is to expend the remaining bond proceeds as quickly as possible to ensure compliance with the bond covenants and IR Code Section 149(g).

This review needs to be analyzed by legal staff. I am comfortable with this approach from a Financial perspective as CFO for the City and the Successor Agency.

Richard Teichert
Financial and Administrative Services Director



APPROVALS	
BUDGET OFFICER	<BudgetOfficer>
CITY ATTORNEY	<CityAttorney>
CITY MANAGER	<CityManager>

Report to City Council

TO: Mayor and City Council

FROM: Rick Teichert, Financial & Management Services Director

AGENDA DATE: February 12, 2013

TITLE: RECEIVE AND FILE A REPORT DISCUSSING THE STATE DEPARTMENT OF FINANCE'S DETERMINATION OF THE SUCCESSOR AGENCY OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY'S LOW AND MODERATE INCOME HOUSING FUNDS

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Receive and file the staff report discussing the State Department of Finance's Determination of the Successor Agency of the Community Redevelopment Agency of the City of Moreno Valley's low and moderate income housing funds.

BACKGROUND

The Community Redevelopment Agency of the City of Moreno Valley (RDA) was created on December 29, 1984. Since its inception, the RDA has been an integral tool to fund and implement infrastructure projects/improvements and promote development within the RDA project area, revitalizing areas of the City most in need of development and public projects. The RDA law included a component that required 20% of property tax increment to be set-aside for low and moderate income housing projects within the City. The City's RDA embraced this requirement, which has resulted in the successful funding of a number of low-mod housing projects in the City during the past 20 years. The Rancho Dorado South Project is a key project providing important affordable housing units which has been planned since January 2007. This project was reviewed by the RDA Board on a number of occasions, with the final housing agreement being approved on March 8, 2011. This project utilizes a range of financing available, of which an important component is \$6,950,000 of RDA low-mod housing funds.

DISCUSSION

The State of California passed AB X1 26 in June 2011 that abolished redevelopment agencies statewide. After review by the State Supreme Court, the law became effective on January 31, 2012. Abolishing redevelopment included eliminating the 20% set-aside for low-mod housing as part of the elimination process.

In January 2012, the City determined to assume the role as the Successor Agency (SA) to the Community Redevelopment Agency of the City of Moreno Valley effective February 1, 2012. Also in January 2012, the City formed the Moreno Valley Housing Authority to serve as the Successor to the low-mod housing function of the former RDA, which included receiving the housing assets from the former RDA.

Staff and attorneys for the City and the SA reviewed the details of the law established by AB X1 26. The law contained numerous conflicts, with many provisions and ambiguities throughout, leaving staff and the City Council in the untenable situation of being forced to implement a poorly written law, fraught with risk and complications at every step. Staff carefully analyzed the laws addressing the administration and effectuation of enforceable obligations. The Rancho Dorado South Project is a key enforceable obligation. Since the financing agreement for the Rancho Dorado South project had been approved in several forms on several occasions prior to January 2011 (Attachment 3), staff treated this project as an enforceable obligation which had been planned to utilize Low and Moderate Income Housing Funds (LMIHF) to meet this obligation. Based on this long term planning, staff worked within the law created by AB X1 26 and subsequently, AB1484, and through the processes established by the DOF for administering SA activity.

Staff has documented its efforts (Attachment 1) to work directly with DOF staff to get clarity, support and concurrence with SA efforts to meet and diligently implement the new law. All enforceable obligations were listed on the Recognized Obligation Payment Schedule (ROPS) and approved by the DOF. Staff worked with DOF staff to clarify how to encumber LMIHF and RPTTF property tax to meet future obligations, since RPTTF cash flows are uneven. Based on DOF input and concurrence, the SA agreed to an escrow account to enable the developer of the Rancho Dorado South Project to secure their construction funding to build the project. Staff deposited encumbered funds into the escrow account per the agreement to ensure the funds were available when the housing agreement required them to be, which is anticipated in November 2013.

Staff prepared a Housing Asset report required by the new law. This report was submitted in August 2012 and subsequently reviewed and approved by the DOF. The report clearly disclosed the use and encumbrance of LMIHF for the Rancho Dorado South Project.

Staff worked with the audit firm of Lance Soll and Lunghard (LSL) to complete the housing asset due diligence review required by AB 1484. This review was performed during the month of September 2012 and submitted timely to the DOF. This review resulted in new interpretation and direction for accounting for housing funds, which staff

subsequently implemented. This review also stated that the LMIHF totaling \$3.6 million were properly encumbered and no housing funds were due to be returned to the taxing entities.

The SA received a determination letter from the DOF in October 2012 stating that the LMIHF were not to be used for the Rancho Dorado South Project, that they were duplicating funds planned from RPTTF funding, and therefore these funds were to be repaid to the taxing entities. City staff scheduled a “Meet and Confer” telephone conference with DOF staff to clarify and resolve DOF’s interpretation. This teleconference was held on December 5, 2012, with the summary of staff’s presentation provided as Attachment 1.

Subsequent to the “Meet and Confer” meeting, the SA received a final determination letter regarding the Housing Due Diligence Report (Attachment 2) on December 15, 2012. This letter demanded the payment of the \$3.6 million in LMIHF to the taxing entities based on an entirely new premise: that the housing agreement was entered into on March 8, 2011, after the retroactive effective date of AB X1 26 (passed by the legislature June 28, 2011) which was January 1, 2011. The basis of the DOF determination is, again, flawed. It does not consider the planning and previous project approvals prior to 2011 (see Attachment 3). In addition, there is no process to address this issue, which had not previously been raised, since this is a final determination letter.

The letter also threatened extreme and intimidating actions if the \$3.6 million LMIHF were not paid to the County Auditor-Controller within 5 business days,:

“In addition to the consequences of the above, willful failure to return assets that were deemed an unallowable transfer or failure to remit the funds identified above could expose certain individuals to criminal penalties under existing law.”

The “final” determination letter provided the SA with no recourse except to file a lawsuit challenging the final determination and to stay the harmful effects threatened in the letter. The SA filed a lawsuit in Sacramento Superior Court on December 24, 2012. Subsequently, the SA attorneys have had dialogue with the Attorney General and DOF staff. The SA staff and attorneys will be meeting with State staff within the next 2 weeks to discuss the City’s facts and concerns and hopefully avert pursuit of the lawsuit that has been filed.

ALTERNATIVES

1. Receive and file the staff report discussing the State Department of Finance’s Determination of the Successor Agency of the Community Redevelopment Agency of the City of Moreno Valley’s low and moderate income housing funds.

FISCAL IMPACT

The report is for information and this report does not include a decision or recommendation that would have a fiscal impact at this time. The report does acknowledge the potential risk of a court decision not in the Successor Agency's favor. Since the project funds are entirely in escrow at the time of this meeting, an unfavorable court decision may require the funds to be reimbursed to the taxing entities from the City's General Fund. Staff is working diligently to ensure that any required payments based on an unfavorable outcome would be recovered from future RPTTF funds of the Successor Agency, with the repayment to the City required to be included on a future Required Obligation Payment Schedule (ROPS).

SUMMARY

Staff has worked extensive hours to understand, implement and comply with State laws directing the elimination of Redevelopment Agencies and start-up of Successor Agencies. The State has failed to create a clear and understandable process for SAs to navigate through this transition process that would enable SA staff to comply with ambiguous and conflicting legislation, confusing and ever-changing processes and requirements by the DOF. SA staff is navigating this administrative challenge while facing a clear determination by the State to claw back funds from local governments regardless of the legal and financial consequences to the local agencies. In this instance, the State DOF staff reinterpreted a Housing Due Diligence Report prepared by an independent audit firm that determined that the SA has accurately tracked all SA Housing funds and had appropriately placed them into an escrow account to encumber the funds in compliance with an approved housing project agreement. State staff has claimed that the funds were excess Low and Moderate Income Housing Funds that must be returned to the taxing entities. Staff requested a "Meet and Confer" on this determination, and made strong arguments supporting the SA position that these funds were encumbered, with the advice and review of DOF staff in March and April 2012. Staff was more than surprised when the SA received a final determination letter from the DOF based on a totally new argument not previously raised, resulting in the demand that \$3.6 million be returned to the taxing entities within 5 days, with the threat of extreme action, including criminal prosecution if the demand was not met. The new argument is not accurate, and finding no other avenue for relief, the Successor Agency filed suit against the State and the DOF to prevent the extreme consequences that were threatened.

ATTACHMENTS

Attachment 1: Department of Finance Meet and Confer Document

Attachment 2: Department of Finance Letter Dated December 15, 2012

Attachment 3: Rancho Dorado Project Timeline

Prepared By:
Rick Teichert
Financial & Management Services Director

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

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Department of Finance Meet and Confer

Review of LMIHF DDR Letter from DOF

December 5, 2012

Review of Key Issues and Events related to LMIHF Due Diligence Review Issues:

March 08, 2011 – Entered into agreement with MV Rancho Dorado Limited Partnership to accommodate the Rancho Dorado South Project, a contract commitment of the RDA totaling \$6.95 million (is this only LMIHF or is it general RDA increment?)

January 31, 2012 – Redevelopment Agency is dissolved, Housing Assets transferred to the Moreno Valley Housing Authority.

February 1, 2012 – Successor Agency staff complete the transfer of LMIHF assets from the RDA to the MV Housing Authority. Staff's understanding is that LMIHF will not exist going forward and the Housing Authority will manage these assets. This included \$1.77 million in LMIHF fund balance that was committed to the Rancho Dorado South contract commitment.

Staff also records all property tax increment received in January 2012 as general Successor Agency property taxes; staff believes that LMIHF no longer apply or exist based on AB 1x 26. This includes \$1.85 million that auditors eventually determine should have been recorded as LMIHF. As a result, staff assumes the \$1.85 million is part of RPTTF available in ROPS 1 for the Rancho Dorado South housing enforceable obligation and records this obligation as such on ROPS 1 and does not record the funds as available from LMIHF fund balance.

February, 2012 – Staff creates a comprehensive cash flow document that demonstrates the ability of the Successor Agency to meet all of the enforceable obligations, creating a funding plan, including the Rancho Dorado South project that has a funding commitment date of November 2013. This cashflow report demonstrates that it requires all available fund balances and RPTTF funds through December 2013 to meet the listed enforceable obligations identified, including the Rancho Dorado South Project of \$6.95 million.

April 12, 2012 (ROPS I) and May 10, 2012 (ROPS II) – Staff lists the Rancho Dorado South contract as an enforceable obligation on ROPS 1 and 2. Staff shows the contract amount of \$6.95 million as the obligation and reflects the RTTPF funds that are expected to be available for the period. Staff plans to encumber these RPTTF funds and place them in escrow to meet the contract obligation date of November 2013 to accumulate the \$6.95 million per the contract.

April 27, 2012 (Pages 3 – 4) – Staff sends email to DOF Analyst Zach Stacy to review the encumbrance of Housing Assets, referencing DOF Exhibit 9 available on the DOF website in April 2012, which indicates that encumbered housing funds should move to the Housing Successor Agency (Moreno Valley Housing Authority). This is what staff did with the \$1.77 million LMIHF fund balance at January 31, 2012 effective February 1, 2012.

May 1, 2012 (Pages 3 – 4) – Zach Stacy responds to staff email He concurred that LMIHF encumbered balances should transfer to the housing successor. RTTPF could be encumbered toward the future obligation.

May 27, 2012 (Pages 5 – 7) – Amended ROPS 2 is sent to DOF analyst Mindy Patterson. This amended ROPS 2 includes specific information on the use of \$1.77 million of fund balance to transfer into escrow to partially fund and encumber the Rancho Dorado South enforceable obligation.

June 12, 2012 (Pages 8 - 9) – Staff moves the cash amount of \$1.77 million into the project escrow account to secure the project funding.

June 13, 2012 (Pages 10 - 11) – Auditors from the firm Lance Soll and Lunghard (LSL) advise that the property tax increment received in January requires a 20% LMIHF distribution of 20%. Staff believed that AB 1x 26 eliminated this requirement. All ROPS treatment prior to this time assumed these property tax funds totaling \$1.8 million (\$1,736,828.51) are RPTTF received in January 2012.

July 12, 2012 (Pages 12 - 13) – Staff moves the funds committed from ROPS 1 RPTTF of \$2.4 million into the escrow account to fund the project, encumbering the funds as planned. This includes \$1.8 million of funds later interpreted to be \$1.8 million of LMIHF funds and \$600,000 of new RPTTF funds. Staff believed it was all RPTTF funds by mistake.

July 30, 2012 (Pages 14 - 15) – Staff submits the Housing Asset Report. Exhibit C clearly denotes the intent to utilize fund balance and future RPTTF to fund the \$6.95 million enforceable obligation.

August 28, 2012 – Staff engages LSL to perform the Agreed Upon Procedures required by AB1484 to comply with the Due Diligence Requirement of the new law.

September 7, 2012 (Page 16) – DOF approves the Housing Asset Report as submitted, including the references to funding the Rancho Dorado South project commitment of \$6.95 million.

September 13, 2012 (Pages 17 - 18) – During the Due Diligence Review process, auditors LSL advise that the LMIHF fund balance of \$1.777 million moved to the Moreno Valley Housing Authority on February 1, 2012 must be moved back to the SA LMIHF. See the attached journal entry. Staff already has placed these funds in escrow per the above described transactions. Staff believed it had DOF direction and concurrence to do this as of email dated May 1, 2012.

October 14, 2012 – During the course of the review, LSL advises staff that the appropriate treatment of the RDA LMIHF fund balance that existed at January 31, 2012 was to record it in a Successor Agency LMIHF. This causes \$1.77 million to be shifted by correcting journal entry from the MV Housing Authority back to the Successor Agency LMIHF fund balance. These funds are encumbered toward the future housing obligation as recommended by DOF Exhibit 9 (as of April 27, 2012). The funds were transferred into the project escrow account on July 12, 2012 as noted in the amended ROPS 2 document.



**DEPARTMENT OF
FINANCE**

EDMUND G. BROWN JR. - GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

December 15, 2012

Ms. Anochar Clark, Senior Financial Analyst
City of Moreno Valley
14177 Fredrick Street
Moreno Valley, CA 92552

Dear Ms. Clark:

Subject: Low and Moderate Income Housing Fund Due Diligence Review

This letter supersedes Finance's original Low and Moderate Income Housing Fund (LMIHF) Due Diligence Review (DDR) determination letter dated November 16, 2012. Pursuant to Health and Safety Code (HSC) section 34179.6 (c), the City of Moreno Valley Successor Agency (Agency) submitted an oversight board approved LMIHF DDR to the California Department of Finance (Finance) on October 15, 2012. Finance issued a LMIHF DDR determination letter on November 16, 2012. Subsequently, the Agency requested a Meet and Confer session on one or more items adjusted by Finance. The Meet and Confer Session was held on December 5, 2012.

Based on a review of additional or clarifying information provided to Finance during the Meet and Confer process, Finance continues to believe the adjustments made to the DDR's stated balance of LMIHF available for distribution to the taxing entities is appropriate. HSC section 34179.6 (d) authorizes Finance to make these adjustments. We maintain the adjustments continue to be necessary for the following reasons:

Balances retained for Rancho Dorado South Apartments project in the amount of \$3,595,351. Finance originally denied the Agency's request to retain the balances due to an uncertainty in funding sources listed on the ROPS. The Agency contends the retention of \$3,595,351 is necessary for a required payment in November 2013 related to the Rancho Dorado South Apartments project. During the Meet and Confer process, the Agency provided a timeline of events and documents showing the deposit of \$3,595,351 into the escrow account. However, the agreement for the project was entered into on March 8, 2011. Pursuant to HSC section 34163 (c) (5), an agency could not transfer funds out of the LMIHF except to meet the minimum housing-related obligations that existed as of January 1, 2011. Therefore, the transfer of funds out of the LMIHF is not allowed.

The Agency's LMIHF balance available for distribution to the affected taxing entities continues to be \$3,595,351 (see table below).

LMIHF Balances Available For Distribution To Taxing Entities	
Available Balance per DDR:	\$ (3,354,649)
Finance Adjustments	
Add: Adjustment to requested retained balances*	\$ 6,950,000
Total LMIHF available to be distributed:	\$ 3,595,351

*Total obligation for the Rancho Dorado South Apartments.

This is Finance's final determination of the LMIHF balances available for distribution to the taxing entities. HSC section 34179.6 (f) requires successor agencies to transmit to the county auditor-controller the amount of funds identified in the above table within five working days, plus any interest those sums accumulated while in the possession of the recipient.

If funds identified for transmission are in the possession of the successor agency, and if the successor agency is operated by the city or county that created the former redevelopment agency, then failure to transmit the identified funds may result in offsets to the city's or the county's sales and use tax allocation, as well as its property tax allocation. If funds identified for transmission are in the possession of another taxing entity, the successor agency is required to take diligent efforts to recover such funds. A failure to recover and remit those funds may result in offsets to the other taxing entity's sales and use tax allocation or to its property tax allocation. If funds identified for transmission are in the possession of a private entity, HSC 34179.6 (h) (1) (B) states that any remittance related to unallowable transfers to a private party may also be subject to a 10 percent penalty if not remitted within 60 days.

Failure to transmit the identified funds will also prevent the Agency from being able to receive a finding of completion from Finance. Without a finding of completion, the Agency will be unable to take advantage of the provisions detailed in HSC section 34191.4. Specifically, these provisions allow certain loan agreements between the former redevelopment agency (RDA) and the city, county, or city and county that created the RDA to be considered enforceable obligations. These provisions also allow certain bond proceeds to be used for the purposes in which they were sold and allows for the transfer of real property and interests into the Community Redevelopment Property Trust Fund once Finance approves the Agency's long-range property management plan.

In addition to the consequences above, willful failure to return assets that were deemed an unallowable transfer or failure to remit the funds identified above could expose certain individuals to criminal penalties under existing law.

Pursuant to HSC section 34167.5 and 34178.8, the California State Controller's Office (Controller) has the authority to claw back assets that were inappropriately transferred to the city, county, or any other public agency. Determinations outlined in this letter and Finance's Housing Assets Transfer letter dated September 7, 2012 do not in any way eliminate the Controller's authority.

Ms. Anochar Clark
December 15, 2012
Page 3

Please direct inquiries to Beliz Chappuie, Supervisor or Mindy Patterson, Lead Analyst at (916) 445-1546.

Sincerely,



STEVE SZALAY
Local Government Consultant

cc: Mr. Richard Teichert, Financial & Administrative Services Director, City of Moreno Valley
Ms. Pam Elias, Chief Accountant Property Tax Division, Riverside County
Auditor Controller
California State Controller's Office

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RANCHO DORADO PROJECT TIMELINE

Date	Summary of Action(s)
2007	Palm Desert Development Company (PDDC) submitted application for \$9.825 million in financial assistance for the one-phase, 150-unit multifamily project, Rancho Dorado.
3/25/2008	RDA Board adopted Resolutions 2008-06 and 2008-07 affirming the intention to provide financial assistance to the 150-unit, one-phase project. Funding commitment not-to-exceed \$7,925,600, plus \$1,932,800 in waived City fees.
4/22/2008	Public Hearing held regarding Issuance of Multi-family Housing Revenue Bonds; Council adopted Resolution 2008-41 approving issuance of bonds of \$30 million aggregate principal amount.
TCAC- first round, 3/2008	PDDC was unable to secure tax credits for proposed one-phase, 150- unit project. PDDC modifies the project into a two-phase, 150- unit project. Phase 1 to be comprised of 71-units and Phase 2 to be comprised of 79-units.
7/8/2008	RDA Board adopts Resolution RDA 2008-11 (Phase 1) and Resolution RDA 2008-12 (Phase 2) affirming the intention to provide financial assistance to the two-phase, 150-unit project. With the adoption of the Resolutions, \$3.75M was committed to Phase 1 and \$4.75M was committed to Phase 2.
05/26/2009	City Council adopted Resolution 2009-49 and RDA Board adopted RDA Resolution 2009-05 approving the Affordable Housing Agreement (AHA) between the RDA and MV Rancho Dorado II LP providing up to \$4.75M in financial assistance for Phase 1, consisting of 71 units, to the Rancho Dorado project. RDA Resolutions 2009-06 and 2009-07 were adopted ratifying Resolutions 2008-11 and 2008-12, respectively.
9/8/2009	City Council and RDA Board approved the First Amendment to the AHA for Phase 1 of the Rancho Dorado project. Agreement was amended to accelerate payment of \$1.5M of the \$4.75M commitment. Acceleration was necessary to decrease the overall loan-to-value ratio of the construction loan, as required by the project's construction lender.

RANCHO DORADO PROJECT TIMELINE

2/23/2012	The RDA Board adopted RDA Resolution 2010-01, ratifying Resolution 2008-11, affirming the intention to provide financial assistance up to \$4.75M for Phase 2, consisting of 79 units, to the Rancho Dorado project.
3/23/2010	The RDA Board approved a loan agreement in the amount of \$1.3M for Phase 2 of the Rancho Dorado project. The \$1.3M was an accelerated payment to offset the carrying costs and pre-development expenditures during the competitive tax credit allocation process.
TCAC first round, 3/2010	PDDC was unable to secure tax credits for Phase 2
6/22/2010	The RDA Board adopted Resolution RDA 2010-03 affirming the intention to provide financial assistance to Phase 2 of the Rancho Dorado project. To make the project more competitive during the second round 2010 of TCAC allocations, the RDA increased its funding commitment to \$6.75M for Phase 2.
TCAC second round, 7/2010	PDDC was unable to secure tax credits for Phase 2
11/30/2010	The RDA Board adopted Resolution RDA 2010-07 affirming the intention to provide financial assistance to Phase 2 of the Rancho Dorado project. To make the project even more competitive during the first round 2011 of TCAC allocations, the RDA increased its funding commitment to \$8.25M for Phase 2.
3/8/2011	The City Council and the RDA Board adopted Resolutions 2011-24 and RDA 2011-04, respectively, approving the Affordable Housing Agreement between the RDA and MV Rancho Dorado LP providing up to \$8.25M (less the \$1.5M previously loaned) for the second phase of the project.
5/22/12	The City Council acting in their capacity as Successor Agency adopt Resolution SA 2012-38, approving an agreement with the Housing Authority of the City of Moreno Valley and consenting to a financing agreement between the Housing Authority and Citibank. The Financing Agreement allowed the Cumulative Share of Available tax Revenues that are payable to the Successor Agency to be committed to the Housing Authority for payment to the developer as required by the AHA

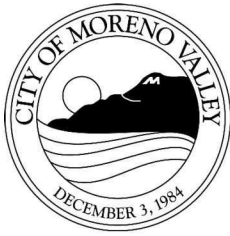
RANCHO DORADO PROJECT TIMELINE

5/22/12	Housing Authority of the City of Moreno Valley adopted Resolution HA 2012-___, approving an agreement with the City of Moreno Valley and approving the Financing Agreement with Citibank, N.A. The Financing Agreement allowed the Cumulative Share of Available tax Revenues that are payable to the Successor Agency to be committed to the Housing Authority for payment to the developer as required by the AHA
8/2012	Start of construction

Notes:

1. Resolutions 2011-24 and RDA 2011-04, state the commitment of \$8.25M for the second phase of the project is reduced by the previously loaned amount of \$1.5M. However, the \$1.5M dollars is a loan for the first phase of the project; the loan agreement approved 3/23/10 for \$1.3M was issued for Phase 2 of the project.
2. The staff report dated 3/8/2011, lists the parties of the AHA for the second phase of the project as MV Rancho Dorado II Limited and the RDA; this is a typographical error. The partnership entity for the first phase of the project is the MV Rancho Dorado II Limited; the partnership entity for Phase 2 is MV Rancho Dorado Limited. The entity is, however, correctly delineated in the Agreement.

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>MSJ</i>

Report to City Council

TO: Mayor and City Council

FROM: Michael McCarty, Director of Parks and Community Services

AGENDA DATE: February 12, 2013

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 2 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, BY ADDING A NEW CHAPTER 2.64, CREATING A JULY 4TH ADVISORY BOARD

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Introduce Ordinance No. 860, an Ordinance of the City of Moreno Valley, amending Title 2 of the City of Moreno Valley Municipal Code, by adding a new Chapter 2.64, creating a July 4th Advisory Board.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

At the December 18, 2012 City Council Study Session, staff was directed to bring back this item for the formation of a July 4th Advisory Board.

A July 4th Advisory Committee was formed for the 2012 July 4th Celebration to provide advice and assistance pertaining to sponsorships, volunteers, entertainment, and parade enhancement.

Moreno Valley's 2012 July 4th festivities were extremely well-received by the community, and staff believes the celebrations were among the best events produced by the City. The parade was greatly enhanced with the participation of an increased number of entrants and the inclusion of a number of quality bands with hundreds of

residents lining the parade route. The July 4th Advisory Committee contributed to the success of the parade and provided other suggestions and ideas that helped make this event outstanding.

DISCUSSION

The proposed July 4th Advisory Board will provide support for the upcoming 2013 activities; however, the amount of advance planning required for an event the size of July 4th is such that City staff has already completed much of the planning for this year's festivities. The formation of the July 4th Advisory Board at this time will help acclimate members to the event in order to provide effective assist in future years.

Staff has already begun soliciting volunteers for a parade committee as well as researching partners in seeking sponsorships.

Staff suggests that the make-up of this advisory board be consistent with others within the Parks and Community Services Department's purview. This would include seven adult members and two teen members from the community. Additionally staff suggests that the application for this advisory board be specific as to what the City is looking for in a board member and exactly what qualifications are highly desired. A potential candidate will submit the standard membership application form and copy of the attached proposed questionnaire. The additional questionnaire was created in order to assist in selecting the most qualified individuals for the areas of support needed to make the July 4th Celebrations successful events.

The advisory board shall act in an advisory capacity to the City Council to promote and seek possible funding sources for the City's July 4th Festivities including:

1. Solicit private contributions;
2. Solicit grants;
3. Solicit corporate sponsorships;
4. Facilitate fundraising opportunities;
5. Support the City's July 4th Festivities by volunteering the day of the event;
6. Make recommendations to enhance the parade;
7. Make recommendations to the fireworks' display;
8. Solicit vendors for the afternoon festivities;
9. Provide assistance to market and promote the July 4th event;
10. Provide ideas to generate additional revenue and increase attendance to the event;
11. Encourage participation from service organizations, school districts, businesses, and other governmental agencies;
12. Promote the importance of the July 4th Festivities to the city's quality of life;
13. Serve as an advisory group on the July 4th Festivities to the staff and City Council; and
14. Perform any other functions that may be designated by resolution or motion of the City Council.

ALTERNATIVES

1. Adopt the proposed Ordinance creating the July 4th Advisory Board. *Staff recommends this alternative.*
2. Do not adopt the proposed Ordinance creating a July 4th Advisory Board. *Staff does not recommend this alternative.*

FISCAL IMPACT

Fiscal impact would be the cost of providing staff support to a July 4th Advisory Board and any subcommittees formed by the Board. Each regular meeting would necessitate the Parks and Community Services Director, Supervisor, Senior Office Assistant, and Executive Assistant to attend. Each subsequent subcommittee would only require one of the above staff members to participate.

CITY COUNCIL GOALS

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 which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

NOTIFICATION

Publication of the City Council agenda.

ATTACHMENTS

- Attachment 1: Proposed Ordinance
 Attachment 2: Proposed Questionnaire

Prepared By:
 Cecilia Gonzales
 Community Services Supervisor

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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ORDINANCE NO. 860

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 2 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, BY ADDING A NEW CHAPTER 2.64, CREATING A JULY 4TH ADVISORY BOARD

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. MUNICIPAL CODE AMENDED:

1.1 All prior enactments of the City, which are in conflict with this ordinance are hereby repealed, effective upon the date on which this ordinance becomes effective and operative.

SECTION 2. MUNICIPAL CODE AMENDED:

2.1 The list of chapters prefacing Title 2 of the City of Moreno Valley Municipal Code is hereby amended by adding thereto "Chapter 2.64."

2.2 Title 2 of the City of Moreno Valley Municipal Code is hereby further amended by adding thereto a new Chapter 2.64 reading as follows:

"Chapter 2.64

July 4th Advisory Board

Sections:

- 2.26.010 Created
- 2.26.020 Composition
- 2.26.030 Function, powers and duties
- 2.26.040 Chair, committees and staff
- 2.26.050 Meetings and rules of procedure

2.64.010 Created.

There is created a July 4th Advisory Board for the city. It shall consist of seven adult and two teen members, serving without compensation, and appointed in the manner and for the terms prescribed in Sections 2.04.060 and 2.06.010, respectively, of

1
Ordinance No. 860
Date Adopted: February 26, 2013

this code, except that the terms of the members first appointed to the board shall be set by lot, in such manner that three adult terms shall expire on July 31 of the first year, two adult terms shall expire on July 31 of the second year, and two adult terms shall expire on July 31 of the third year, and that the terms of the teen members shall expire on July 31 of the third year following appointment or until high school graduation, whichever comes first. Thereafter, all terms shall be for three years and shall expire three years after the effective date of the appointment; provided, however, that the term of an appointment made to fill an unexpired term shall be for the unexpired balance of such term.

2.64.020 Composition.

A. Insofar as practicable, the board shall be composed of nine public members, seven adults and two teens. In the event that an insufficient number of persons is available for appointment to the board, the City Council may make such substitute appointments as it deems necessary.

B. The board members should represent a cross section of the city's diversity, with substantial expertise in the fundraising and promotion of the July 4th Festivities.

2.64.030 Function, powers and duties.

A. The board shall act in an advisory capacity to the City Council to promote and seek possible funding sources for the City's July 4th Festivities including:

1. Solicit private contributions;
2. Solicit grants;
3. Solicit corporate sponsorships;
4. Facilitate fundraising opportunities;
5. Support the City's July 4th Festivities by volunteering the day of the event;
6. Make recommendations to enhance the parade;
7. Make recommendations to the fireworks' display;
8. Solicit vendors for the afternoon festivities;
9. Provide assistance to market and promote the July 4th event;
10. Provide ideas to generate additional revenue and increase attendance to the event;
11. Encourage participation from service organizations, school districts, businesses, and other governmental agencies;
12. Promote the importance of the July 4th Festivities to the city's quality of life;
13. Serve as an advisory group on the July 4th Festivities to the staff and City Council; and

14. Perform any other functions that may be designated by resolution or motion of the City Council.

2.64.40 Chair, committees and staff.

Designation of a chairperson and vice chairperson for the board shall be governed by Section 2.06.020 of this code. The board may establish such standing and temporary subcommittees as it may deem expedient for the performance of its duties and the chairperson, with the consent of the board, may fix and appoint the membership of such subcommittees. Except that the chairperson of each such subcommittee shall be a member of the board, membership on a subcommittee need not be limited to members of the board. The City Manager may appoint a secretary and other staff for the board and provide such reimbursement for their necessary expenses as may be authorized by the City Council in the city budget and approved in advance by the City Manager.

2.64.050 Meetings and rules of procedure.

A. The board shall hold regular meetings and designate the times, dates, and places therefor. All meetings of the board and each of its subcommittees shall be open to the public. Special meetings may be called by the chairperson or by a majority of the board, provided that notice of such special meetings is given to each member of the board at least forty-eight (48) hours prior to the time of the meeting. Five or more voting members of the board shall constitute a quorum for the conduct of business, and the affirmative votes of a majority of such quorum shall be necessary for the conduct of business. The board shall adopt rules for the transaction of its business. The board shall keep a public record of its actions. Promptly after approval thereof by the board, the original minutes of board meetings shall be filed with the Parks and Community Services Department.

B. If a member of the board is absent without cause from three successive regular meetings of the board, the board may request the City Council declare the position vacant. An absence may be excused if it is due to illness or is unavoidable, and the member gives notice to assigned city staff as to the reason.”

SECTION 3: EFFECT OF ENACTMENT:

3.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any enactment of the City Council which addresses the same subject addressed herein.

SECTION 4: NOTICE OF ADOPTION:

4.1 Within fifteen days after the adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 5: EFFECTIVE DATE:

5.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 26th day of February, 2013.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Ordinance No. _____ 4
Date Adopted: February 26, 2013

ORDINANCE 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 Ordinance No. _____ had its first reading on February 12, 2013 and had its second reading on February 26, 2013, and 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 February, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Ordinance No. _____ 5
Date Adopted: February 26, 2013

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July 4th Advisory Board
Supplemental Questionnaire

1. How many years have you resided in the City of Moreno Valley?

2. How many years have you attended the City of Moreno Valley's July 4th Family Fun Fest Celebration?

3. Describe in detail any experience you have in working on parade-type activities?

4. Explain in detail any experience you have working with the Moreno Valley Unified School District.

5. Describe in detail your area(s) of expertise and experience that may be helpful with this type of event.

6. Explain your experience with fundraising. _____

7. Explain any experience with working on community and/or special events.

8. Are you affiliated with any organizations or community groups? If so, which one(s):

9. Do you have experience chairing meetings that are regulated by the Brown Act?

10. Have you ever been convicted of an offense other than a minor traffic violation?

_____ _____
Yes No

(Do not include violations while a minor, convictions exempted under LC432.89, and/or convictions sealed by court order). If yes, please state the nature of offense(s), date(s), city, stage, and disposition. A conviction record is not an automatic bar; the offense will be considered only as it relates to the position for which you are applying.

Date: _____ City: _____ State: _____

Offense: _____ Disposition: _____

Print Name

Signature

Priority will be given to those that have attended the events. You must be a Moreno Valley resident to participate on the July 4th Commission.