

**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**

**March 25, 2014**

**SPECIAL PRESENTATIONS – 5:30 P.M.**  
**REGULAR MEETING – 6:00 P.M.**

**City Council Study Sessions**

First & Third Tuesdays of each month – 6:00 p.m.

**City Council Meetings**

Second & Fourth Tuesdays of each month – 6:00 p.m.

**City Council Closed Sessions**

*Immediately following Regular City Council Meetings and  
Study Sessions, unless no Closed Session Items are Scheduled*

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.*

Victoria Baca, Mayor Pro Tem  
Jesse L. Molina, Council Member

Tom Owings, Mayor

Richard A. Stewart, Council Member  
Yxstian Gutierrez, Council Member

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**CITY COUNCIL OF THE CITY OF MORENO VALLEY**  
**March 25, 2014**

**CALL TO ORDER – 5:30 PM**

**SPECIAL PRESENTATIONS**

- 1) Mayor's Award of Valor - Raymond McClung and Enrique Wong-Torres
- 2) Firefighter of the Year - Scott Callahan, Firefighter II

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**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 - 6:00 PM  
MARCH 25, 2014**

**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**

Pastor Mark Orellana - Victory Outreach Church

**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 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.

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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 (Report of: City Clerk's Department)**

**Recommendation:**

1. Approve as submitted.

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

**Recommendation:**

1. Receive and file the Reports on Reimbursable Activities for the period of March 5 18, 2014.

#### **A.4 RESOLUTION FOR THE ABATEMENT OF PUBLIC NUISANCES (Report of: Community & Economic Development Department)**

**Recommendation:**

1. Adopt Resolution No. 2014-23 of the City of Moreno Valley, California, confirming assessments on certain real properties as outlined in the Property Assessment List in this staff report for the abatement of nuisances.

#### **A.5 APPROVAL OF THE 2014/2015 FISCAL YEAR STORM WATER PROTECTION PROGRAM BUDGET FOR COUNTY SERVICE AREA 152 (Report of: Public Works Department)**

**Recommendations**

1. Approve the County Service Area 152 Budget for FY 2014/2015 in the amount of \$571,038.
2. Authorize the levy of County Service Area 152 Assessment at \$8.15

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per Benefit Assessment Unit (BAU) for FY 2014/2015.

**A.6 APPROVAL OF THE FRANCHISE TAX BOARD AGREEMENT TO SHARE TAX INFORMATION**

(Report of: Financial & Management Services Department)

**Recommendation:**

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

**A.7 RESOLUTION ESTABLISHING CRITERIA TO GUIDE THE PROCESS OF REVISING THE BOUNDARIES OF COUNCILMANIC DISTRICTS**

(Report of: City Clerk Department)

**Recommendation:**

1. Adopt Resolution No. 2014-24. A Resolution of the City Council of the City of Moreno Valley, California, establishing criteria to guide the process of revising the boundaries of the Council districts from which members of the City Council are elected.

**A.8 AMENDMENT TO THE COOPERATIVE AGREEMENT WITH THE RIVERSIDE COUNTY FIRE DEPARTMENT FOR FIRE PROTECTION, FIRE PREVENTION, RESCUE, AND MEDICAL EMERGENCY SERVICES**

(Report of: City Manager Department)

**Recommendations**

1. Amend the Current Cooperative Agreement with the Riverside County Fire Department for Fire Protection, Fire Prevention, Rescue and Medical Emergency Services to include Fire Protection Planning Services, as recommended by the Public Safety Sub-Committee, with an anticipated effective date of April 1, 2014.
2. Authorize the City Manager to execute the Cooperative Agreement.
3. Defund the City Fire Marshal position upon the effective date of the amended Agreement.
4. Authorize the transition to County Fire Safety Specialist and County Fire Systems Inspector for the City positions of Fire Safety Specialist, Fire Inspector II, and Fire Inspector I as new positions or promotional opportunities become available.

**B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT**

**B.1 ORDINANCES - READING BY TITLE ONLY**

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**Recommendation:** Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF (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 (Report of: City 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 (Report of: City Clerk's Department)

**Recommendation:**

1. Approve as submitted.

**E. PUBLIC HEARINGS**

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

E.1 PUBLIC HEARING ON THE FORMATION OF CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01  
(Report of: Financial & Management Services Department)

**Recommendations That the City Council:**

1. Conduct the Public Hearing on the proposed formation of City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services).
2. Approve and Adopt Resolution No. 2014-25. A Resolution of the City Council of the City of Moreno Valley, California, Establishing City of Moreno Valley Community Facilities District No. 2014-01

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(Maintenance Services) and Calling a Special Election in Connection with said District.

3. Direct staff to canvass the returned ballot and report the results of the special election to the City Council.
4. Acting as the legislative body of the City of Moreno Valley Community Facilities District No. 2014-01 Approve and Adopt Resolution No. 2014-26. A Resolution of the City Council of the City of Moreno Valley, California, Declaring the Results of an Election in City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services).
5. Introduce Ordinance No. 874. An Ordinance of the City Council of the City of Moreno Valley, California, Levying a Special Tax in Connection with City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) and Taking Certain Related Recommendation:.

E.2 PUBLIC HEARING REGARDING FY 2014/15 PROJECT SELECTION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS  
(Report of: Community & Economic Development Department)

**Recommendations That the City Council:**

1. Conduct a Public Hearing for CDBG and the HOME grant programs to allow public comment on the proposed FY 2014/15 programs.
2. Review and select programs for funding for social service, housing, public facilities, rehabilitation, and economic development activities to be included in the City's FY 2014/15 Annual Action Plan.

E.3 PUBLIC HEARING TO ADOPT SUBSTANTIAL AMENDMENT #4 AFFECTING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) FOR THE FY 2013-2014 ANNUAL ACTION PLAN  
(Report of: Community & Economic Development Department)

**Recommendations That the City Council:**

1. Conduct a Public Hearing to allow public comment on the proposed Substantial Amendments #4 (CDBG).
2. Review and adopt the proposed Substantial Amendments #4 (CDBG) to the FY 2013-2014 Annual Action Plan.
3. Approve the necessary Revenue and Expense Appropriations and authorize the Chief Financial Officer to process the adjustments.

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4. Authorize the City Manager to reallocate grant funds between HUD-approved grant activities.

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

## **G. REPORTS**

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

- G.1.1 Council Member Jesse Molina reports on March Joint Powers Commission

- G.2 MONTHLY REPORT: MORENO VALLEY ANIMAL SHELTER ADOPTION RATE  
(Report of: Administrative Services Department)

### **Recommendations That the City Council:**

1. Receive and file the Monthly Report: Moreno Valley Animal Adoption Rate for the period of February 1 to February 28, 2014.

- G.3 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)
- G.4 CITY ATTORNEY'S REPORT (Informational Oral Presentation - not for Council action)

## **H. LEGISLATIVE ACTIONS**

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

## **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 Board of Library Trustees after

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distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

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## **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 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(d)(1) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

- a)    Case:            *CITY OF MORENO VALLEY V. MATOSANTOS, CHIANG, ANGULO, MARCH JOINT POWERS AUTHORITY, SUCCESSOR AGENCY TO THE MARCH JOINT POWERS REDEVELOPMENT AGENCY*  
          Court:          Sacramento Superior  
          Case No:        34-2013-80001478

2      SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OR (3) OF SUBDIVISION (D) OF SECTION 54956.9

Number of Cases: 5

3      SECTION 54956.9(d)(4) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

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

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## **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

Jane Halstead, CMC,  
City Clerk

Date Posted: March 19, 2014

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**MINUTES**  
**CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY**  
**March 11, 2014**

**CALL TO ORDER**

SPECIAL PRESENTATIONS

- 1) Proclamation Recognizing American Cancer Society - Relay for Life of Moreno Valley
- 2) Business Spotlight
  - a) Stater Bros.
  - b) Better Be Donuts

**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**

**REGULAR MEETING – 6:00 PM  
March 11, 2014**

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 6:05 p.m. by Mayor Tom Owings in the Council Chamber located at 14177 Frederick Street

Mayor Tom Owings announced that the City Council receives a separate stipend for CSD meetings.

**PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Frank Wright

**INVOCATION**

Minister Sherman Jones - New Direction Community Church

**ROLL CALL**

Council:

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

Staff:

Michelle Dawson	City Manager
Suzanne Bryant	City Attorney
Jane Halstead	City Clerk

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Kathy Gross	Executive Assistant
Richard Teichert	Chief Financial Officer/City Treasurer
Tom DeSantis	Assistant City Manager
Ahmad Ansari	Public Works Director
Joel Ontiveros	Police Chief
Abdul Ahmad	Fire Chief
John Terell	Community and Economic Development Director
Chris Paxton	Administrative Services Director
Robert Lemon	Acting Public Works Director
Marshall Eyerman	Financial Resources Division Manager

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

Rod Ballance

1. New President of Moreno Valley Chamber of Commerce

Deanna Reeder

1. Past article, land use for developers - exhaust;

Debra Craig

1. Recall MJP lawsuit
2. Statistics/comments made at the last council meeting

Hans Wolterbeek

1. Employees' pension

Susan Gilmore Owings

1. Press Enterprise recent article after pulling papers; Recall

Tom Thornsley

1. Mayor's signs throughout the City
2. Planning Commission meeting regarding warehouse

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Remaining comments were taken after Agenda Item H.2.1

Minister Sherman Jones

1. Calling of public speakers
2. Our Community
3. Outreach to African American voters

Daryl Terrell

1. Vision

Louise Palomarez

1. Vote no on recall
2. Mayor Pro Tem Mayor Pro Tem Victoria Baca is doing a great job with Box Springs Mutual Water District

Bob Palomarez

1. Good news regarding budget
2. Good job done by Council

Elmina Callender

1. City to contact homeowners when there's a problematic complaint

**JOINT CONSENT CALENDARS (SECTIONS A-D) 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 AND THE BOARD OF LIBRARY TRUSTEES**

**A. CONSENT CALENDAR-CITY COUNCIL**

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

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A.2 MINUTES - REGULAR MEETING OF FEBRUARY 25, 2014 (Report of: City Clerk's Department)

**Recommendation:**

Approve as submitted.

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

**Recommendation:**

Receive and file the Reports on Reimbursable Activities for the period of February 19 – March 4, 2014.

A.4 APPROVAL OF PAYMENT REGISTER FOR JANUARY, 2014 (Report of: Financial & Management Services Department)

**Recommendation:**

Adopt Resolution No. 2014-19. A Resolution of the City Council of the City of Moreno Valley, California, approving the Payment Register for the month of January, 2014 in the amount of \$13,520,401.69.

A.5 AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT TO ALL AMERICAN ASPHALT FOR THE ALESSANDRO BOULEVARD MEDIAN FROM INDIAN STREET TO PERRIS BOULEVARD, PROJECT NO. 801 0039 70 77

(Report of: Public Works Department)

**Recommendations**

1. Award the construction contract to All American Asphalt, P.O. Box 2229, Corona, California 92878, the lowest responsible bidder, for the Alessandro Boulevard Median from Indian Street to Perris Boulevard.
2. Authorize the City Manager to execute a contract with All American Asphalt.
3. Authorize the issuance of a Purchase Order to All American Asphalt, for the amount of \$1,300,461.80 (\$1,182,238.00 bid amount plus 10% contingency) when the contract has been signed by all parties.
4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with All American Asphalt up to, but not exceeding, the 10% contingency amount of \$118,223.80, subject to the approval of the City Attorney.

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5. Authorize the Public Works Director/City Engineer to record the Notice of Completion once he determines the work is complete, accept the improvements into the City's maintained system, and release the retention to All American Asphalt, if no claims are filed against the project.
6. Authorize the re-appropriation of \$150,000 from the Annual Pavement Resurfacing project (2001-70-77-80001) Measure A (Fund 2001) fund for the construction costs for the Alessandro Boulevard Median from Indian Street to Perris Boulevard (2001-70-77-80001).
7. Authorize the appropriation of \$400,000 from the unencumbered Community Development Block Grant (CDBG) (Fund 2512) fund balance for the construction costs for the Alessandro Boulevard Median from Indian Street to Perris Boulevard (2512-70-77-80001).

A.6 THIRD AMENDMENT TO AGREEMENT WITH RBF CONSULTING FOR ALESSANDRO BOULEVARD MEDIAN FROM INDIAN STREET TO PERRIS BOULEVARD, PROJECT NO. 801 0039 70 77  
(Report of: Public Works Department)

**Recommendations**

1. Approve the Third Amendment to Agreement for Professional Consultant Services with RBF Consulting for construction support services.
2. Authorize the City Manager to execute the Third Amendment to Agreement for Professional Consultant Services with RBF Consulting.
3. Authorize an increase to the Purchase Order to RBF Consulting not to exceed the amount of \$21,525 once the Third Amendment to Agreement has been signed by all parties.

**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 FEBRUARY 25, 2014 (Report of: City Clerk's Department)

**Recommendation:**

Approve as submitted.

**C. CONSENT CALENDAR - HOUSING AUTHORITY**

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

C.2 MINUTES - REGULAR MEETING OF FEBRUARY 25, 2014 (Report of: City Clerk's Department)

**Recommendation:**  
Approve as submitted.

#### **D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES**

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

D.2 MINUTES - REGULAR MEETING OF FEBRUARY 25, 2014 (Report of: City Clerk's Department)

**Recommendation:**  
Approve as submitted.

**Motion to Approve Joint Consent Calendar Items A.1 through D.2 by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina**

**Approved by a vote of 5-0.**

#### **E. PUBLIC HEARINGS**

E.1 A PUBLIC HEARING FOR AN APPEAL OF THE PLANNING COMMISSION'S DECEMBER 12, 2013, APPROVAL OF THE FIRST INLAND LOGISTICS CENTER II PROJECT PA12-0023 AND RELATED ENVIRONMENTAL IMPACT REPORT. THE PROJECT PROPOSES A 400,130 SQUARE FOOT WAREHOUSE BUILDING LOCATED ON 17.3 ACRES AT THE SOUTHWEST CORNER OF PERRIS BOULEVARD AND SAN MICHELE ROAD. THE APPLICANT IS FIRST INDUSTRIAL. THE APPELLANT IS JOHNSON & SEDLACK ATTORNEYS AT LAW ON BEHALF OF RESIDENTS FOR A LIVABLE MORENO VALLEY AND SIERRA CLUB.

(Report of: Community & Economic Development Department)

**Recommendations That the City Council:**

1. Conduct a public hearing for the Environmental Impact Report (P12-064) and Plot Plan PA12-0023, and subsequent to the public hearing:

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2. APPROVE Resolution No. 2014-20. A Resolution of the City Council of the City of Moreno Valley, California, CERTIFYING that the Final Environmental Impact Report has been completed in compliance with the California Environmental Quality Act, ADOPTING Findings and Statement of Overriding Considerations, and APPROVING a Mitigation Monitoring Program for the First Inland Logistics Center II Project generally located in the Industrial Area Specific Plan 208 on the SWC of Perris Boulevard between San Michele Road and Nandina Avenue.
3. APPROVE Resolution No. 2014-21. A Resolution of the City Council of the City of Moreno Valley, California, APPROVING Plot Plan PA12-0023 for the development of a 400,130 square foot warehouse distribution facility on 17.69 acres located on the SWC of Perris Boulevard and San Michele Road Assessor Parcel Numbers 316-200-001, 015, 019, 035 and 034.

Questions made to applicant First Industrial by Mayor Tom Owings regarding concerns made by Johnson & Sedlack: 1) Air Quality, 2) Green House Gases, 3) Noise, 4) Public and Transportation, 5) Adopting Mitigation Measures, 6) what are the unmitigated affects

Mayor Tom Owings opened the public testimony, which was received from Craig Givens (opposed), Louise Palomarez (supports), Bob Palomarez (supports).

**APPROVE Resolution No. 2014-20. A Resolution of the City Council of the City of Moreno Valley, California, CERTIFYING that the Final Environmental Impact Report has been completed in compliance with the California Environmental Quality Act, ADOPTING Findings and Statement of Overriding Considerations, and APPROVING a Mitigation Monitoring Program for the First Inland Logistics Center II Project generally located in the Industrial Area Specific Plan 208 on the SWC of Perris Boulevard between San Michele Road and Nandina Avenue. APPROVE Resolution No. 2014-21. A Resolution of the City Council of the City of Moreno Valley, California, APPROVING Plot Plan PA12-0023 for the development of a 400,130 square foot warehouse distribution facility on 17.69 acres located on the SWC of Perris Boulevard and San Michele Road Assessor Parcel Numbers 316-200-001, 015, 019, 035 and 034 by m/Mayor Pro Tem Victoria Baca, s/Council Member Jesse L. Molina**

**Approved by a vote of 5-0.**

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

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## **G. REPORTS**

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

#### **G.1.1 a) Council Member Jesse Molina report on RTA**

Council Member Jesse Molina reported that the RTA needs support of Moreno Valley residents; RTA meetings are held the fourth Thursday of every month; frequency in bus trips contributed to increase in ridership; RTA guides are available. Attended Moreno Valley Conversation II meetings at March Mountain High School regarding parents' involvement with children; RCHCA concerns of mountain lions; need for centralized recreation facility for kids to play.

### **G.2 REDISTRICTING PRESENTATION BY NATIONAL DEMOGRAPHICS CORPORATION BY MR. JUSTIN LEVITT, VICE PRESIDENT, NDC (Report of: City Clerk's Department)**

Mayor Tom Owings opened the item for public comments; which were received from Deanna Reeder (supports), Christopher Baca (supports), Craig Givens (opposed).

### **G.3 MID-YEAR BUDGET REVIEW AND APPROVAL OF THE REVISED OPERATING BUDGET FOR FISCAL YEARS 2013/14 AND 2014/15 (Report of: Financial & Management Services Department)**

#### **Recommendations That the City Council:**

1. Receive and file the mid-year budget summary.
2. Adopt Resolution No. 2014-22. A Resolution approving the Revised Operating Budget for the City of Moreno Valley for FYs 2013/14 and 2014/15, pursuant to the revenue and expenditure changes presented in Exhibits A and B to the Resolution.
3. Approve the Position Control Roster. Specific positions are discussed within this staff report and listed on Attachment 4 to this staff report.
4. Direct the Chief Financial Officer to adjust the designations of certain fund balances as requested within this staff report.

#### **Recommendations That the CSD:**

Acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, adopt Resolution No. CSD

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2014-01. A Resolution approving the Revised Operating Budget for the Moreno Valley Community Services District for FYs 2013/14 and 2014/15, pursuant to the revenue and expenditure changes presented in Exhibits A and B to the Resolution.

Mayor Tom Owings opened the item for public comment, which was received from Deanna Reeder.

**Receive and file the mid-year budget summary.**

**Adopt Resolution No. 2014-22. A Resolution approving the Revised Operating Budget for the City of Moreno Valley for FYs 2013/14 and 2014/15, pursuant to the revenue and expenditure changes presented in Exhibits A and B to the Resolution.**

**Approve the Position Control Roster. Specific positions are discussed within this staff report and listed on Attachment 4 to this staff report.**

**Direct the Chief Financial Officer to adjust the designations of certain fund balances as requested within this staff report.**

**Authorize City Manager to proceed with the one-year Pilot Program to begin addressing the City's unfunded liability for employees' accrued vacation hours, as outlined in the Staff Report by m/Council Member Yxstian Gutierrez, s/Mayor Pro Tem Victoria Baca**

**Approved by a vote of 5-0.**

**Acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, adopt Resolution No. CSD 2014-01. A Resolution approving the Revised Operating Budget for the Moreno Valley Community Services District for FYs 2013/14 and 2014/15, pursuant to the revenue and expenditure changes presented in Exhibits A and B to the Resolution by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina**

**Approved by a vote of 5-0.**

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

None

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

None

## H. LEGISLATIVE ACTIONS

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

H.2 ORDINANCES - 2ND READING AND ADOPTION

- H.2.1 ORDINANCE NO. 873 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTIONS 2.25.010 AND 2.25.020 OF TITLE 2 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO THE COMPOSITION OF THE UTILITIES COMMISSION (RECEIVED FIRST READING AND INTRODUCTION ON FEBRUARY 25, 2014 ON A 5-0 VOTE) (Report of: Public Works Department)

**Recommendations That the City Council:**

Adopt Ordinance No. 873. An Ordinance of the City Council of the City of Moreno Valley, California amending sections 2.25.010 and 2.25.020 of Title 2 of the City of Moreno Valley Municipal Code relating to the composition of the Utilities Commission.

**Adopt Ordinance No. 873. An Ordinance of the City Council of the City of Moreno Valley, California amending sections 2.25.010 and 2.25.020 of Title 2 of the City of Moreno Valley Municipal Code relating to the composition of the Utilities Commission by m/Council Member Richard A. Stewart, s/Mayor Pro Tem Victoria Baca**

**Approved by a vote of 5-0.**

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

Council Member Yxstian A. Gutierrez

1. Thanked businesses and Moreno Valley Chamber of Commerce for being here
2. Thanked Council Member Molina for asking for a report regarding homeless issue in the city
3. Went on a ride along recently with the Fire Department and was able to go on a call and tour the facility

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4. Attended the MVPD volunteer event
5. Had a successful financial literacy workshop in District 4 at Badger Springs Middle School
6. Looking forward to read with the Mayor program at the library

#### Mayor Pro Tem Victoria Baca

1. Asked for support of our program in the Rachel Ray Award and animal services
2. Christopher Baca was very involved with the redistricting commission; encouraged the public to get involved with the redistricting
3. Encouraged everyone to participate in Relay for Life
4. Is working to bring funds for the Box Springs project
5. Thanked Chief Ontiveros for his sensitivity and addressing the homeless issue

#### Council Member Richard A. Stewart

1. Public comments were voted by previous council to have them at 9 p.m.; people were being denied the opportunity to speak; asked to agendize the 9 p.m. rule for a study session
2. Also ask to agendize for a study session the review of the process used for Planning Commission interviews and voting
3. Met three times regarding redistricting with Chris Baca, who is very cognizant of the rules; there wasn't anyone else who spent the time that Chris did

#### Mayor Tom Owings

1. Rules for public comments will be reviewed
2. This is a business meeting; the business on the agenda should get preference; speaker comments; comments not on the agenda should get the least preference

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Council Member Jesse L. Molina

1. Last redistricting is a thing of the past
2. Thanked clergy for talking about the "f" (forgiveness) word at a school; we want to make a connection with the kids, as the kids are our future
3. Condolences to JulieAnn Stewart-Cleaveland and Tom Jerele - sorry to hear about their recent loss

There being no further business to conduct, the meeting was adjourned to Closed Session at 11:11 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 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 Closed Session agenda items for public comments; there being none, public comments were closed.

The Closed Session was held pursuant to Government Code:

The City Attorney announced that three cases under Government Code 54956.9(d) will be discussed.

- 1 SECTION 54956.9(d)(1) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
  - a) SILVER CREEK INDUSTRIES, INC. V. CITY OF MORENO VALLEY
  - b) City of Moreno Valley v. STI Inc. Trucking and Materials, SureTec Insurance Company
  - c) City of Moreno Valley v. Matosantos, Chiang, Angulo, March Joint Powers Authority, Successor Agency to the March Joint Powers

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Redevelopment Agency

- 2 SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OR (3) OF SUBDIVISION (D) OF SECTION 54956.9

Number of Cases: 5

- 3 SECTION 54956.9(d)(4) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

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

None

**ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 12:15 p.m. by unanimous informal consent.

Submitted by:

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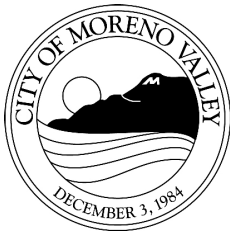
City Clerk Jane Halstead, CMC  
Secretary, Moreno Valley Community Services District  
Secretary, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley  
Secretary, Moreno Valley Housing Authority  
Secretary, Board of Library Trustees

Approved by:

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Mayor Tom Owings  
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

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March 11, 2014



## Report to City Council

**TO:** Mayor and City Council

**FROM:** Jane Halstead, City Clerk

**AGENDA DATE:** March 25, 2014

**TITLE:** CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

### RECOMMENDED ACTION

Recommendation:

1. Receive and file the Reports on Reimbursable Activities for the period of March 5-18, 2014.

<i>Reports on Reimbursable Activities</i>			
March 5-18, 2014			
Council Member	Date	Meeting	Cost
Victoria Baca	3/15/14	Soroptimist International Moreno Valley 26 <sup>th</sup> Annual Fashion Show and Tea	\$30.00
Yxstian A. Gutierrez	3/15/14	Soroptimist International Moreno Valley 26 <sup>th</sup> Annual Fashion Show and Tea	\$30.00
Jesse L. Molina	3/10/14	League of California Cities Riverside County Division General Meeting	\$25.00
Tom Owings	3/12/14	Student of the Month	\$15.00
	3/15/14	Soroptimist International Moreno Valley 26 <sup>th</sup> Annual Fashion Show and Tea	\$30.00
Richard A. Stewart	3/10/14	League of California Cities Riverside County Division General Meeting	\$25.00

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

Department Head Approval:  
Jane Halstead  
City Clerk

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

## Report to City Council

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**TO:** Mayor and City Council

**FROM:** John Terell, Community and Economic Development Director

**AGENDA DATE:** March 25, 2014

**TITLE:** RESOLUTION FOR THE ABATEMENT OF PUBLIC NUISANCES

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### **RECOMMENDED ACTION**

Recommendation:

1. Adopt Resolution No. 2014-23 of the City of Moreno Valley, California, confirming assessments on certain real properties as outlined in the Property Assessment List in this staff report for the abatement of nuisances.

### **SUMMARY**

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

### **DISCUSSION**

The Code and Neighborhood Services Division performed public nuisance abatements during 2012 and 2013. These abatements were to remove hazardous and other nuisance conditions from properties. After having been served with a "Notice to Abate" and given a reasonable time for compliance, the property owners failed to voluntarily abate the conditions.

In some cases, pursuant to Section 6.04.140, Emergency Abatement emergency conditions have been abated without adhering to the provisions referenced in the abatement notification procedures. Such emergencies may include the pumping and

securing of accessible pools with stagnant water, securing open and accessible buildings, abating extreme fire hazard conditions, and other similar nuisance conditions that constitute an immediate danger to life or property.

Property owners were served with a Statement of Costs and billed, requesting payment for all costs associated with the City-performed abatement action, by regular mail. Staff is requesting that the City Council authorize the placement of unpaid abatement costs on the property tax bill and to record a tax lien against the properties.

The Property Assessment List for general nuisance abatements is hereby submitted for review and consideration by the City Council. Code and Neighborhood Services staff initiated and completed abatement action of general public nuisances in various locations within the City.

The County of Riverside equalized tax assessment roll was utilized to determine property ownership. A summary of the abatement is included in each statement of cost letter, along with the owner's name(s), property description, and the itemized list of charges for the abatement action. Statement of Costs were mailed to the legal owner of record for each property requiring abatement action and a copy of the letter will remain on file in the Community and Economic Development Department.

The Property Assessment List is a current listing of unpaid abatement costs incurred during 2012 and 2013. The City Council Resolution will authorize the City to place the nuisance abatement fees on the property tax bill and collect the unpaid fees along with payment of the 2014/15 property taxes. If the abatement costs are paid directly to the City prior to July 1, 2014, neither the unpaid assessment nor the lien will be levied against the property tax bill. The Notices of Special Assessment will be recorded as a tax lien with the Riverside County Recorder's Office following approval by the City Council.

### **ALTERNATIVES**

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

### **FISCAL IMPACT**

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

As detailed in Exhibit A of the Resolution, the costs incurred by the City for contractual abatements are outlined below. An additional \$13.80 per parcel administrative fee is payable to the Special Districts Division for the inclusion, verification and processing of the nuisance abatement charges onto the City's fixed charged database which is submitted to the County for inclusion on the 2014/15 property tax bill.

**Code & Neighborhood Services Division**

30	Contractual, Inspection, and Administrative Fee	\$73,626.94
	Special Dist. Administration Fee: (30 @ \$13.80 each)	\$414.00
	Total:	<b>\$74,040.94</b>

The Property Assessment List, as approved by City Council, is subject to amendment as necessary to reflect any payments subsequently received from property owners. Costs not paid in full by July 1, 2014, will be processed as special assessments and cost recovery will occur through the payment of property taxes. The Statement of Costs and Notices of Code Violation Non-Compliance for each property shall remain on file in the Community and Economic Development Department. If payment, or partial payment, is received from property owners, that portion of the Exhibit(s) will be revised as appropriate.

**CITY COUNCIL GOALS**

- Public Safety. Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.
- Positive Environment. Create a positive environment for the development of Moreno Valley's future.
- Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs that will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

**NOTIFICATION**

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

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

Notification of these public nuisance conditions was specifically met by:

1. Posting the property with a "Notice to Abate".
2. Mailing a "Notice to Abate" by certified and/or regular mail to the property owner.
3. Telephone contact with the property owner and/or mortgage company (in the case of vacant properties), when possible.

**ATTACHMENTS**

Attachment 1: Proposed Resolution

Attachment 2: Moreno Valley Municipal Code Chapter 6.04, Abatement of Public Nuisances

Attachment 3: Sample Notices: Notice to Abate Nuisance

Prepared By:  
Allen Brock  
Building & Neighborhood Services Division Manager

Department Head Approval:  
John Terrell  
Community & Economic Development Director



RESOLUTION NO. 2014-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A RESOLUTION FOR THE ABATEMENT OF PUBLIC NUISANCES

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

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

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

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

1. That the Statements of Costs and Notice of City Council Meeting and Notices of Special Assessments, copies of which are on file in the Community & Economic Development Department, Code and Neighborhood Services Division, and incorporated herein by this reference, are confirmed.
2. That the Property Assessment List, attached hereto as Exhibit A and incorporated herein by this reference, is also confirmed.
3. That the Notices of Special Assessments shall be recorded with the Riverside County Recorder's Office and the city shall include the charges to its fixed charge database which is submitted to the Assessor and Tax Collector of the County of Riverside and after recordation shall constitute special assessments against the property to which they relate, and shall constitute liens on the property in the amount of the assessment to be added to the tax bill next levied against the property.

1  
Resolution No. 2014-23  
Date Adopted: March 25, 2014

APPROVED AND ADOPTED this 25th day of March, 2014.

\_\_\_\_\_  
Mayor of the City of Moreno Valley

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Resolution No. 2014-23<sup>2</sup>  
Date Adopted: March 25, 2014

**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. 2014-23 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 25th day of March, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

3  
Resolution No. 2014-23  
Date Adopted: March 25, 2014

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START DATE: 10/1/12

END DATE: 12/31/13

**Property Assessment List (PAL)**

**FY14/15 Tax Year**

**EXHIBIT A**

	APN	Owner	Abate Date	Owner Mailing Address	Contractor Costs	Admin Fee	Subtotal	S.D. Fee	Total
1	256-181-010	WILDFLOWER RIVERSIDE HOA	9/9/2013	2232 SE BRISTOL, #203 SANTA ANA, CA 92707	\$ 468.75	\$ 250.00	\$ 718.75	\$ 13.80	\$ 732.55
2	256-182-048	WILDFLOWER RIVERSIDE HOA	9/9/2013	2232 SE BRISTOL, #203 SANTA ANA, CA 92707	\$ 4,800.00	\$ 250.00	\$ 5,050.00	\$ 13.80	\$ 5,063.80
3	260-251-013	FRANK L COOPER	5/2/2013	22502 COBBLE CREEK DR MORENO VALLEY, CA 92557	\$ 1,000.00	\$ 250.00	\$ 1,250.00	\$ 13.80	\$ 1,263.80
4	260-413-009	COLFIN AI-CA 4 LLC	9/9/2013	24682 DEL PARDO, #200 DANA POINT, CA 92629-2888	\$ 280.00	\$ 250.00	\$ 530.00	\$ 13.80	\$ 543.80
5	264-322-029	KEVIN & CARLY ENG	8/5/2013	11773 CARLISLE CT MORENO VALLEY, CA 92557	\$ 252.00	\$ 250.00	\$ 502.00	\$ 13.80	\$ 515.80
6	291-191-021	ALIENE & EDMUND KOTERWAS	9/7/2012	13965 PEPPER ST MORENO VALLEY, CA 92553	\$ 102.00	\$ 250.00	\$ 352.00	\$ 13.80	\$ 365.80
7	291-344-004	FATEMA AZADZOI	1/24/2013	22817 GLENDON DR MORENO VALLEY, CA 92557	\$ 254.00	\$ 250.00	\$ 504.00	\$ 13.80	\$ 517.80
8	296-034-035	PAMULA ADKINS	2/21/2013	23226 DENVER CT MORENO VALLEY, CA 92553	\$ 208.50	\$ 250.00	\$ 458.50	\$ 13.80	\$ 472.30
9	296-243-037	KIRKPATRICK, PATRICIA	7/12/2012	23656 BAY AVE MORENO VALLEY, CA 92553	\$1,100.00	\$ 250.00	\$ 1,350.00	\$ 13.80	\$ 1,363.80
10	296-243-037	KIRKPATRICK, PATRICIA	8/31/2012	23656 BAY AVE MORENO VALLEY, CA 92553	\$ 72.00	\$ 250.00	\$ 322.00	\$ 13.80	\$ 335.80
11	296-243-037	KIRKPATRICK, PATRICIA	10/19/2012	23656 BAY AVE MORENO VALLEY, CA 92553	\$ 114.00	\$ 250.00	\$ 364.00	\$ 13.80	\$ 377.80
12	304-441-013	MICHELLE LEE UHLICH	10/29/2013	14846 TOLEDO CT MORENO VALLEY, CA 92555	\$ 254.00	\$ 250.00	\$ 504.00	\$ 13.80	\$ 517.80
13	316-122-029	JEROME HURKMANS	9/3/2013	24621 FREEPORT DR MORENO VALLEY, CA 92551	\$ 158.00	\$ 250.00	\$ 408.00	\$ 13.80	\$ 421.80
14	474-210-001	LASSELLE & KALMIA C/O RON MCRAE	6/30/2013	3800 N GAINNEY CENTER DR 255 SCOTTSDALE, AZ 85258	\$ 183.00	\$ 250.00	\$ 433.00	\$ 13.80	\$ 446.80
15	474-220-070	PROFESSORS FUND IV C/O PROFESSORS CAPITAL	7/17/2012	990 HIGHLAND DR #204 SOLANO BEACH, CA 92075	\$ 439.00	\$ 250.00	\$ 689.00	\$ 13.80	\$ 702.80
16	474-571-003	CHARLES/GLORIA SCRUGGS	7/30/2013	10451 MORNING RIDGE DR MORENO VALLEY, CA 92557	\$ 348.00	\$ 250.00	\$ 598.00	\$ 13.80	\$ 611.80

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Item No. A.4

	APN	Owner	Abate Date	Owner Mailing Address	Contractor Costs	Admin Fee	Subtotal	S.D. Fee	Total
17	475-263-030	NITEMAN	11/3/2012	668 VERDE VISTA AVE POMONA, CA 91767	\$ 1,930.50	\$ 250.00	\$ 2,180.50	\$ 13.80	\$ 2,194.30
18	475-263-030	NITEMAN	11/30/2012	669 VERDE VISTA AVE POMONA, CA 91767	\$ 1,489.24	\$ 250.00	\$ 1,739.24	\$ 13.80	\$ 1,753.04
19	475-263-030	NITEMAN	12/19/2012	670 VERDE VISTA AVE POMONA, CA 91767	\$ 1,890.00	\$ 250.00	\$ 2,140.00	\$ 13.80	\$ 2,153.80
20	475-263-030	NITEMAN	2/7/2013	671 VERDE VISTA AVE POMONA, CA 91767	\$ 47,168.95	\$ 250.00	\$ 47,418.95	\$ 13.80	\$ 47,432.75
21	478-132-017	JOSE N MERLOS	9/28/2012	28882 BRODIAEA AVE MORENO VALLEY, CA 92555	\$ 254.00	\$ 250.00	\$ 504.00	\$ 13.80	\$ 517.80
22	478-181-047	JAN KATHRYN FECHTER	7/9/2012	1180 W WESTWARD AVE BANNING, CA 92220	\$ 183.00	\$ 250.00	\$ 433.00	\$ 13.80	\$ 446.80
23	479-230-018	PAUL CH LAI/YU HUA WANG	2/26/2013	1141 RODEO RD ARCADIA, CA 91006	\$ 150.00	\$ 250.00	\$ 400.00	\$ 13.80	\$ 413.80
24	479-384-017	2013-1 IH BORROWER LP	10/18/2012	901 MAIN ST, #4700 DALLAS, TX 75202-3733	\$ 162.00	\$ 250.00	\$ 412.00	\$ 13.80	\$ 425.80
25	479-513-027	ROSE & ELIAS GREEN	8/30/2012	12220 AMBER HILL TRL MORENO VALLEY, CA 92557	\$ 254.00	\$ 250.00	\$ 504.00	\$ 13.80	\$ 517.80
26	481-250-016	WARNEST BENNET / JULIA ANDERSON	4/24/2013	24487 MYERS AVE. MORENO VALLEY, CA 92553	\$ 329.00	\$ 250.00	\$ 579.00	\$ 13.80	\$ 592.80
27	482-141-033	FORMOSA RENTALS	9/29/2013	13373 PERRIS BLVD #C203 MORENO VALLEY, CA 92553	\$ 940.00	\$ 250.00	\$ 1,190.00	\$ 13.80	\$ 1,203.80
28	482-142-009	ELIO LABRA	11/13/2012	24895 LUKEWOOD PL MORENO VALLEY, CA 92553	\$ 254.00	\$ 250.00	\$ 504.00	\$ 13.80	\$ 517.80
29	482-536-006	SALVADOR & SONIA SALCEDO	1/9/2013	24326 VIA VARGAS DR MORENO VALLEY, CA 92553	\$ 569.00	\$ 250.00	\$ 819.00	\$ 13.80	\$ 832.80
30	482-536-006	SALVADOR & SONIA SALCEDO	2/27/2013	24327 VIA VARGAS DR MORENO VALLEY, CA 92553	\$ 520.00	\$ 250.00	\$ 770.00	\$ 13.80	\$ 783.80
				<b>TOTAL:</b>	<b>\$ 66,126.94</b>	<b>\$ 7,500.00</b>	<b>\$ 73,626.94</b>	<b>\$ 414.00</b>	<b>\$ 74,040.94</b>

6.04.010

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

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

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

**6.04.010 Purpose.**

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

**6.04.020 Definitions.**

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

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

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

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

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

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

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

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**City of Moreno Valley Community Development Department  
Code & Neighborhood Services Division**  
14177 Frederick Street | P.O. Box 88005 | Moreno Valley, CA 92552-0805  
Telephone: 951.413.3340 | Fax: 951.413.3345

## NOTICE TO ABATE NUISANCE

*Pursuant to Chapter 6.04 of the Moreno Valley Municipal Code, you are hereby directed to abate the public nuisance condition(s) as described below by \_\_\_\_\_.*

**Violations of Moreno Valley Municipal Code as follows:**

- 6.04.040A3 Vacant/Abandoned/Open Accessible Structure
- 6.04.040E1 Unfenced/Unsecured Pool/Excavation
- 6.04.040C1 Weeds/Dry Brush/Overgrown Vegetation
- 6.04.040B2 Junk/Trash or Debris
- 6.04.040B1 Abandoned/Discarded Objects including Automobiles (Parts)/Furniture
- 6.04.040D2 Parking on Unimproved Surface
- Other \_\_\_\_\_

Required action \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OWNER/TENANT FAILURE TO CORRECT LISTED VIOLATION(S) WITHIN THE TIME FRAME INDICATED WILL RESULT IN THE CITY INITIATING NUISANCE ABATEMENT PROCEEDINGS TO CORRECT VIOLATIONS. THE OWNER OF SUCH PROPERTY SHALL BE LIABLE FOR ALL COSTS AND EXPENSES INCURRED BY THE CITY FOR SAID ABATEMENT. FAILURE TO PAY ALL ABATEMENT COSTS SHALL RESULT IN A TAX LIEN AGAINST THE PROPERTY.**

If you object to the determination of cited violation(s), you may file a written appeal no later than \_\_\_\_\_ days from the date of this notice.

Owner (as shown on the last equalized assessment roll):

\_\_\_\_\_  
\_\_\_\_\_

Property Location \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Code Compliance Officer \_\_\_\_\_

Assessor Parcel Number \_\_\_\_\_

Telephone \_\_\_\_\_

Date Mailed to Owner \_\_\_\_\_

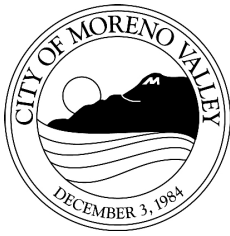
Copies to \_\_\_\_\_

WHITE - CODE

CD 3184 Notice to Abate Nuisance 08/09  
HARD COPY - POSTED

**Notice to Abate Nuisance**

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

**Report to City Council**

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**TO:** Mayor and City Council

**FROM:** Ahmad R. Ansari, P.E., Public Works Director/City Engineer

**AGENDA DATE:** March 25, 2014

**TITLE:** APPROVAL OF THE 2014/2015 FISCAL YEAR STORM WATER PROTECTION PROGRAM BUDGET FOR COUNTY SERVICE AREA 152

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**RECOMMENDED ACTION**

Recommendations:

1. Approve the County Service Area 152 Budget for FY 2014/2015 in the amount of \$571,038.
2. Authorize the levy of County Service Area 152 Assessment at \$8.15 per Benefit Assessment Unit (BAU) for FY 2014/2015.

**SUMMARY**

This report recommends approval of the FY 2014/2015 County Service Area (CSA) 152 Budget in the amount of \$571,038. CSA 152 revenues provide partial funding for the National Pollutant Discharge Elimination System (NPDES) program. The Administrative Services Agreement between the County and the City requires the City to prepare the CSA 152 Budget and submit the budget to the County in early spring. To ensure CSA 152 funding is secured and the assessment remains on the tax rolls for FY 2014/2015 staff is recommending Council adopt the CSA 152 Budget as presented. Collection of the assessments on the annual tax rolls is necessary to fund portions of the NPDES storm water management and maintenance programs and not authorizing either the budget or levy will interrupt the assessment and revenue collection process.

## DISCUSSION

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

1. Approve the CSA 152 Budget for FY 2014/2015 in a specific amount; and
2. Approve a CSA 152 Assessment per Benefit Assessment Unit (BAU) for FY 2014/2015.

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

Staff projects a \$20,658 increase in the CSA 152 revenue for FY 2014/2015 over the current fiscal year projection. Staff is not recommending at this time an increase in the BAU assessment that would require a mail ballot process under Proposition 218, therefore the assessment will remain unchanged at \$8.15 per BAU. Since the annual BAU assessment will remain unchanged, there is no need to have any further Council action related to the assessment element of CSA 152.

The CSA 152 Administrative Services Agreement requires the City to adopt a CSA 152 budget in early spring. To ensure the funding is secured and the assessment remains on the tax rolls for FY 2014/2015 staff is recommending Council adopt the CSA 152 budget as presented this evening.

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

- |    |                           |              |
|----|---------------------------|--------------|
| 1. | Assessment begins         | July 2014    |
| 2. | First installment to City | January 2015 |

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

## ALTERNATIVES

1. Approve the CSA 152 Budget for FY 2014/2015 in the amount of \$571,038 and authorize the levy of CSA 152 Assessment at \$8.15 per BAU for FY 2014/2015. *Approval of this alternative assures that a portion of the funds necessary to support the various storm water management and maintenance programs for the City will continue to be collected.*

2. Do not approve the CSA 152 Budget for FY 2014/2015 in the amount of \$571,038 and do not authorize the levy of CSA 152 Assessment at \$8.15 per BAU for FY 2014/2015. *This alternative does not provide for the collection of the assessment on the annual tax rolls that is necessary to fund portions of the storm water management and maintenance programs and not authorizing either the budget or levy will interrupt the assessment and revenue collection process.*

### **FISCAL IMPACT**

Adoption of the recommended CSA 152 Budget and levy assessment will ensure that the City receives its legally authorized funds from this source. However, CSA 152 revenue, together with other NPDES related revenues, do not fully fund program costs. The General Fund is anticipated to make up the shortfall.

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

The recommended action tonight will meet the County's deadline and assist in funding the NPDES storm water programs. Approving the CSA 152 budget will help mitigate the level of impact on the General Fund.

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

### **CITY COUNCIL GOALS**

The recommended action furthers City Council goals by:

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

### **NOTIFICATION**

Publication of Agenda

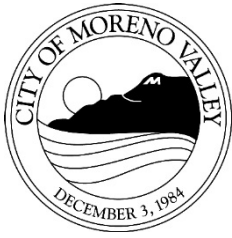
**ATTACHMENTS**

None

Prepared By:  
Kent Wegelin  
Storm Water Program Manager

Department Head Approval:  
Ahmad R. Ansari, P.E.  
Public Works Director/City Engineer

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



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

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Richard Teichert, Chief Financial Officer

**AGENDA DATE:** March 25, 2014

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

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### **RECOMMENDED ACTION**

Recommendation:

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

### **SUMMARY**

This report recommends that the Council approve the City's renewal of its biannual agreement with the State of California Franchise Tax Board (FTB) to annually share tax information relating to Business License Taxes. The purpose of the information exchange is to ensure that all businesses are correctly reporting their taxes to both the City and the State.

### **DISCUSSION**

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

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

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

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

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

**ALTERNATIVES**

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

**FISCAL IMPACT**

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

**CITY COUNCIL GOALS**

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

**ATTACHMENTS**

Attachment: State of California, Franchise Tax Board Agreement

Prepared By:  
Steve Hargis  
Technology Service Division Manager

Department Head Approval:  
Richard Teichert  
Chief Financial Officer

Concurred By:  
Brooke McKinney  
Treasury Operations Division Manager



STATE OF CALIFORNIA  
**STANDARD AGREEMENT**  
 STD 213 (Rev 06/03)

AGREEMENT NUMBER <b>C1300137</b>
REGISTRATION NUMBER

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

STATE AGENCY'S NAME

**Franchise Tax Board**

CONTRACTOR'S NAME

**City of Moreno Valley**

2. The term of this Agreement is: **June 1, 2014 through December 31, 2016**

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

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

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

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

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

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

Exempt per: **SCM 1 - 4.04.A.2.5.**

**EXHIBIT A****SCOPE OF WORK**

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

**Purpose:**

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

Both parties will abide by the legal and confidential provisions of this Agreement. Exhibits A, C, D, E, F, and G, attached hereto and incorporated by reference herein, set forth additional terms to which the parties agree to be bound. No Federal Tax Information will be exchanged.

**Legal Authority:**

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

**City Responsibilities:**

1. The City agrees that the information provided by FTB will be used exclusively to administer the City's business tax program.
2. The City agrees that information obtained under this Agreement will not be reproduced, published, sold, or released in original or in any other form for any purpose; and will only be accessed or used by City employees whose duties are to administer the City's business tax program.
3. The City agrees to provide FTB with tax information pursuant to Exhibit E, Format Specifications, which shall include but not be limited to the following:
  - Business or owner's name.
  - Business or residence address.
  - Federal employer identification number or social security number.
  - Ownership type.
  - North American Industry Classification Code or Standard Industry Classification Code.
  - Business start and cessation dates.
  - City Business Tax Number, to be assigned to the City by FTB.
4. The City agrees to extract and provide City data to FTB annually in June for each tax year that the Agreement is in place: June 2014, 2015, and 2016. If the Agreement is executed after June 30, 2014, the City will have 30 days after execution to provide FTB with the first year's data.

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

5. The City agrees to submit the records to FTB electronically using FTB's Secure Web Internet File Transfer (SWIFT) system.
6. The City agrees to submit the records to FTB in ASCII fixed-length format, .txt, per the Format Specifications, Exhibit E.
7. The City agrees to resubmit data in the event data is initially submitted with errors. The resubmission of data must be within 30 days of notification. If data is not submitted accurately and timely, the City will forfeit its rights to FTB data for that year.
8. The City agrees that each City employee having access to FTB data shall sign a City Business Tax Program Confidentiality Statement, FTB 712, (Exhibit G). The signed statement is to be retained by the City and produced to FTB upon request.
9. The City agrees to submit to FTB a completed Safeguard Review Questionnaire prior to receiving FTB data. The Safeguard Review Questionnaire is valid for the duration of the Agreement.
10. The City agrees to provide a copy of the resolution, order, minutes reflecting passage of a motion, or ordinance of the local governing body, authorizing the execution of the Agreement.

**FTB Responsibilities:**

1. FTB agrees that information provided by the City will be used for tax administration and non-tax programs that FTB administers and may be shared with other state or federal agencies as authorized by law.
2. FTB agrees that information obtained under this Agreement will not be reproduced, published, sold, or released in original or in any other form for any purpose, except as provided in paragraph 1 or otherwise authorized by law.
3. FTB agrees to provide the City with data extracted from the Taxpayer Information (TI) and Business Entities Tax System (BETS). FTB will provide the City with records for taxpayers within the city's jurisdiction who indicate a business on their personal or business entity income tax return. The Record Layout, Exhibit F (FTB 909A) shall include :
  - Taxpayer name.
  - Taxpayer address.
  - Taxpayer social security number or federal employer identification number.
  - Principal Business Activity code.
4. FTB agrees to match the data provided by the City using the social security number or federal employer identification number against FTB's data with a "yes" or "no" indicator on the Record Layout, Exhibit F (FTB 909A). The first year's data match is at the discretion of FTB based on when the data is received from the City and processed.

**EXHIBIT A**

**SCOPE OF WORK (continued)**

5. FTB agrees to provide the City with an annual data extraction in December 2014 for tax year 2013, in December 2015 for tax year 2014, and in December 2016 for tax year 2015 via SWIFT.
6. FTB agrees to register the City for a SWIFT account, allowing for the secure electronic transmission of data.
7. FTB agrees to provide the City with a unique City Business Tax Number to be used for reporting purposes only.
8. FTB agrees to allow the City to resubmit data within 30 days of notification, in the event data is initially submitted with errors.

**Project Coordinators:**

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

**Franchise Tax Board**

City Business Tax Program Manager  
Data Resources and Services Unit  
P.O. Box 1468, Mailstop A181  
Sacramento, CA 95812-1468  
Phone: (916) 845-6304  
Email: [LocalGovtLiaison@ftb.ca.gov](mailto:LocalGovtLiaison@ftb.ca.gov)

**City of Moreno Valley**

Gordon MacDonald  
Applications and Database Administrator  
15670 Perris Boulevard  
Moreno Valley, CA 92552  
Phone: (951) 413-3417  
Email: [Gordonm@moval.org](mailto:Gordonm@moval.org)

Return executed agreement to:

**Franchise Tax Board**

Marisa Lai  
Business Acquisitions Unit  
P.O. Box 2086, Mailstop A-374  
Rancho Cordova, CA 95741-2086  
Phone: (916) 845-4518  
Fax: (916) 845-3599

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. APPROVAL: This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Contractor may not commence performance until such approval has been obtained.
2. AMENDMENT: No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
3. ASSIGNMENT: This Agreement is not assignable by the Contractor, either in whole or in part, without the consent of the State in the form of a formal written amendment.
4. AUDIT: Contractor agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Contractor agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).
5. INDEMNIFICATION: Contractor agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Contractor in the performance of this Agreement.
6. DISPUTES: Contractor shall continue with the responsibilities under this Agreement during any dispute.
7. TERMINATION FOR CAUSE: The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.

8. INDEPENDENT CONTRACTOR: Contractor, and the agents and employees of Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.

9. RECYCLING CERTIFICATION: The Contractor shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).

10. NON-DISCRIMINATION CLAUSE: During the performance of this Agreement, Contractor and its subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g., cancer), age (over 40), marital status, and denial of family care leave. Contractor and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.

Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

11. CERTIFICATION CLAUSES: The CONTRACTOR CERTIFICATION CLAUSES contained in the document CCC 307 are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.

12. TIMELINESS: Time is of the essence in this Agreement.

13. COMPENSATION: The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.

14. GOVERNING LAW: This contract is governed by and shall be interpreted in accordance with the laws of the State of California.

15. ANTITRUST CLAIMS: The Contractor by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Contractor shall comply with the requirements of the Government Codes Sections set out below.

a. The Government Code Chapter on Antitrust claims contains the following definitions:

1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.

2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.

b. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.

c. If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.

d. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.

16. CHILD SUPPORT COMPLIANCE ACT: For any Agreement in excess of \$100,000, the contractor acknowledges in accordance with Public Contract Code 7110, that:

a. The contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and

b. The contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

17. UNENFORCEABLE PROVISION: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

18. PRIORITY HIRING CONSIDERATIONS: If this Contract includes services in excess of \$200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the Contract to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.

19. SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:

a. If for this Contract Contractor made a commitment to achieve small business participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) report to the awarding department the actual percentage of small business participation that was achieved. (Govt. Code § 14841.)

b. If for this Contract Contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) certify in a report to the awarding department: (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the performance of the Contract; (3) the amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)

20. LOSS LEADER:

If this contract involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)



CCC-307

**CERTIFICATION**

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Contractor to the clause(s) listed below. This certification is made under the laws of the State of California.

<i>Contractor/Bidder Firm Name (Printed)</i>		<i>Federal ID Number</i>
<i>By (Authorized Signature)</i>		
<i>Printed Name and Title of Person Signing</i>		
<i>Date Executed</i>	<i>Executed in the County of</i>	

**CONTRACTOR CERTIFICATION CLAUSES**

1. STATEMENT OF COMPLIANCE: Contractor has, unless exempted, complied with the nondiscrimination program requirements. (Gov. Code §12990 (a-f) and CCR, Title 2, Section 8103) (Not applicable to public entities.)

2. DRUG-FREE WORKPLACE REQUIREMENTS: Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

b. Establish a Drug-Free Awareness Program to inform employees about:

- 1) the dangers of drug abuse in the workplace;
- 2) the person's or organization's policy of maintaining a drug-free workplace;
- 3) any available counseling, rehabilitation and employee assistance programs; and,
- 4) penalties that may be imposed upon employees for drug abuse violations.

c. Every employee who works on the proposed Agreement will:

- 1) receive a copy of the company's drug-free workplace policy statement; and,
- 2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and Contractor may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: the Contractor has made false certification, or violated the

certification by failing to carry out the requirements as noted above. (Gov. Code §8350 et seq.)

3. NATIONAL LABOR RELATIONS BOARD CERTIFICATION: Contractor certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against Contractor within the immediately preceding two-year period because of Contractor's failure to comply with an order of a Federal court, which orders Contractor to comply with an order of the National Labor Relations Board. (Pub. Contract Code §10296) (Not applicable to public entities.)

4. CONTRACTS FOR LEGAL SERVICES \$50,000 OR MORE- PRO BONO REQUIREMENT: Contractor hereby certifies that contractor will comply with the requirements of Section 6072 of the Business and Professions Code, effective January 1, 2003.

Contractor agrees to make a good faith effort to provide a minimum number of hours of pro bono legal services during each year of the contract equal to the lessor of 30 multiplied by the number of full time attorneys in the firm's offices in the State, with the number of hours prorated on an actual day basis for any contract period of less than a full year or 10% of its contract with the State.

Failure to make a good faith effort may be cause for non-renewal of a state contract for legal services, and may be taken into account when determining the award of future contracts with the State for legal services.

5. EXPATRIATE CORPORATIONS: Contractor hereby declares that it is not an expatriate corporation or subsidiary of an expatriate corporation within the meaning of Public Contract Code Section 10286 and 10286.1, and is eligible to contract with the State of California.

6. SWEATFREE CODE OF CONDUCT:

a. All Contractors contracting for the procurement or laundering of apparel, garments or corresponding accessories, or the procurement of equipment, materials, or supplies, other than procurement related to a public works contract, declare under penalty of perjury that no apparel, garments or corresponding accessories, equipment, materials, or supplies furnished to the state pursuant to the contract have been laundered or produced in whole or in part by sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor, or with the benefit of sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor. The contractor further declares under penalty of perjury that they adhere to the Sweatfree Code of Conduct as set forth on the California Department of Industrial Relations website located at [www.dir.ca.gov](http://www.dir.ca.gov), and Public Contract Code Section 6108.

b. The contractor agrees to cooperate fully in providing reasonable access to the contractor's records, documents, agents or employees, or premises if reasonably required by authorized officials of the contracting agency, the Department of Industrial Relations,

or the Department of Justice to determine the contractor's compliance with the requirements under paragraph (a).

7. DOMESTIC PARTNERS: For contracts over \$100,000 executed or amended after January 1, 2007, the contractor certifies that contractor is in compliance with Public Contract Code section 10295.3.

### **DOING BUSINESS WITH THE STATE OF CALIFORNIA**

The following laws apply to persons or entities doing business with the State of California.

1. CONFLICT OF INTEREST: Contractor needs to be aware of the following provisions regarding current or former state employees. If Contractor has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.

Current State Employees (Pub. Contract Code §10410):

- 1). No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.
- 2). No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (Pub. Contract Code §10411):

- 1). For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.
- 2). For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If Contractor violates any provisions of above paragraphs, such action by Contractor shall render this Agreement void. (Pub. Contract Code §10420)

Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (Pub. Contract Code §10430 (e))

2. LABOR CODE/WORKERS' COMPENSATION: Contractor needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and Contractor affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700).

3. AMERICANS WITH DISABILITIES ACT: Contractor assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

4. CONTRACTOR NAME CHANGE: An amendment is required to change the Contractor's name as listed on this Agreement. Upon receipt of legal documentation of the name change the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.

5. CORPORATE QUALIFICATIONS TO DO BUSINESS IN CALIFORNIA:

a. When agreements are to be performed in the state by corporations, the contracting agencies will be verifying that the contractor is currently qualified to do business in California in order to ensure that all obligations due to the state are fulfilled.

b. "Doing business" is defined in R&TC Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate contractor performing within the state not be subject to the franchise tax.

c. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Agencies will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

6. RESOLUTION: A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.

7. AIR OR WATER POLLUTION VIOLATION: Under the State laws, the Contractor shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

8. PAYEE DATA RECORD FORM STD. 204: This form must be completed by all contractors that are not another state agency or other governmental entity.

**EXHIBIT B**  
**BUDGET DETAIL AND PAYMENT PROVISIONS**

**BUDGET CONTINGENCY**

It is mutually agreed that if the State Budget Act of the current year and/or any subsequent years covered under this Contract does not appropriate sufficient funds for the program, this Contract shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Contract and Contractor shall not be obligated to perform any provisions of this Contract.

**PROMPT PAYMENT CLAUSE**

Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with Section 927.

**EXHIBIT D****SPECIAL TERMS AND CONDITIONS**

1. **DATA OWNERSHIP:** The confidential tax information being provided to the City under this Agreement remains the exclusive property of FTB. The City shall have the right to use and process the disclosed information for the purposes stated in this Agreement, which right shall be revoked and terminated immediately upon completion of this Agreement.
2. **STATEMENT OF CONFIDENTIALITY:** The Franchise Tax Board has tax return information and other data in its custody, which is confidential data. Unauthorized inspection or disclosure of state tax return information or other confidential data is a misdemeanor (Revenue and Taxation Code Section 19542, 19542.1 and 19552).
3. **USE OF INFORMATION:** The City agrees that the information furnished or secured pursuant to this Agreement shall be used solely for the purposes described by this Agreement. The information obtained by FTB shall be used for tax administration and nontax programs that FTB administers and may be shared with other state or federal agencies as authorized by law. The City and FTB further agree that information obtained under this Agreement will not be reproduced, published, sold, or released in original or in any other form for any purpose other than those identified in this Agreement or as authorized by law.
4. **EMPLOYEE ACCESS TO INFORMATION:** Both FTB and the City agree that the information obtained will be kept in the strictest confidence and shall make information available to its own employees only on a "need to know" basis. The "need to know" standard is met by authorized employees who need information to perform their official duties in connection with the uses of the information authorized by this Agreement. Both parties recognize their responsibilities to protect the confidentiality of this information as provided by law and to ensure that such information is disclosed only to those individuals and for such purposes authorized by the Revenue and Taxation Code.
5. **DISCLOSURE OF CONFIDENTIAL INFORMATION:** Any unwarranted disclosure or use of state tax return information or any willful unauthorized inspection of the return information is an act punishable as a misdemeanor. Inspection is defined to mean any examination of confidential information. No one other than authorized employees may access, use, view, or manipulate the data being transmitted to the City under this Agreement. The City, in recognizing the confidentiality of state tax return information, agrees to take all appropriate precautions to protect the confidential information obtained pursuant to this Agreement from unauthorized disclosure. The City will conduct oversight of its users with access to the confidential information provided under this Agreement, and will promptly notify FTB of any suspected violations of security or confidentiality by its users.

Each City employee who may have access to the confidential data of FTB will be required to sign a City Business Tax Program Confidentiality Statement, FTB 712 (Exhibit G), attesting to the fact that he/she is aware of the confidentiality of the data and the penalties for unauthorized disclosure thereof. The signed statement(s) shall be retained by the City and furnished to FTB upon request.

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

6. **PROTECTING CONFIDENTIAL INFORMATION/ INCIDENT REPORTING:** Both agencies, in recognizing the confidentiality of information exchanged, agree to take all appropriate precautions to protect the confidential information obtained pursuant to this Agreement from unauthorized disclosure. Both agencies will conduct oversight of its users with access to the confidential information provided under this Agreement and will immediately notify the FTB's Information Security Audit Unit ([SecurityAuditMail@ftb.ca.gov](mailto:SecurityAuditMail@ftb.ca.gov)) of any unauthorized or suspected unauthorized accesses, uses and/or disclosures (incidents). For purposes of this section, immediately is defined as within 24 hours of the discovery of the breach. The notification must describe the incident in detail and identify responsible personnel (name, title, and contact information). The agency with an incident will comply with the incident reporting requirements in accordance with Civil Code Section 1798.29 and SAM Chapter 5300 to facilitate the required reporting to the taxpayers or state oversight agencies.
7. **INFORMATION SECURITY:** Information security is defined as the preservation of the confidentiality, integrity, availability, authenticity, and utility of information. A secure environment is required to protect the confidential information obtained from FTB pursuant to this Agreement. The City will store information so that it is physically secure from unauthorized access. The records received by the City will be securely maintained and accessible only by employees of the city business license or tax programs who are committed to protect the data from unauthorized access, use, and disclosure.
8. **CLOUD COMPUTING ENVIRONMENT:** A Cloud Computing Environment cannot be used to receive, transmit, store or process FTB's confidential data without prior approval from FTB's Chief Security Officer.
9. **DESTRUCTION OF RECORDS:** All records received by the City from FTB and any database(s) created, copies made, or files attributed to the records received will be destroyed within three years of receipt. The records shall be destroyed in a manner to be deemed unusable or unreadable and to the extent that an individual record can no longer be reasonably ascertained. FTB will destroy City data in accordance with FTB's data retention policies and notify the City Business Tax Program Manager annually in writing at [LocalGovtLiaison@ftb.ca.gov](mailto:LocalGovtLiaison@ftb.ca.gov) that proper destruction methods have been applied.
10. **INDEMNIFICATION:** Both parties agree to indemnify, defend, and hold harmless each other, and its officers, agents, and employees from any and all claims and losses accruing or resulting from any breach of confidentiality by either party and/or its officers, agents, or employees.
11. **SETTLEMENT OF DISPUTES:** In the event of a dispute, the City shall file a "Notice of Dispute" with the Chief Financial Officer of the Franchise Tax Board within ten (10) days of discovery of the problem. Within ten (10) days, the Chief Financial Officer or his/her designee shall meet with the City and the FTB contacts for purposes of resolving the dispute. The decision of the Chief Financial Officer shall be final.

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

12. **SAFEGUARD REVIEW QUESTIONNAIRE AND REVIEW:** Prior to sending data to the City, FTB requires the City to submit a Safeguard Review Questionnaire certifying the protection and confidentiality of FTB data. The FTB retains the right to conduct an on-site safeguard review of the City. The City will be provided a minimum of seven (7) days' notice prior to an on-site safeguard review being conducted by the FTB Disclosure Office. The on-site safeguard review will examine the adequacy of information security controls established by the City in compliance with the confidentiality requirements pursuant to this Agreement. The City will take appropriate disciplinary actions against any user determined to have violated security or confidentiality requirements.
13. **LIMITED WARRANTY:** Neither party warrants or represents the accuracy or content of the material available through this Agreement, and each expressly disclaims any express or implied warranty, including any implied warranty of fitness for a specific purpose.
14. **CANCELLATION:** Either party may terminate this Agreement, in writing for any reason, upon thirty (30) days' prior written notice. This Agreement may be terminated by either party in the event of any breach of the terms of this Agreement. Both parties agree that in the event of a breach of the terms of this Agreement, it shall destroy all records and any databases created, copies made, or files attributed to the records received. The records shall be destroyed in a manner to be deemed unusable or unreadable and to the extent that an individual record can no longer be reasonably ascertained, upon destruction.
15. **NO THIRD PARTY LIABILITY:** Nothing contained in or related to this Agreement shall create any contractual relationship between either of the Parties and any other party, except between FTB and the City; and no other party shall relieve the City or FTB of its responsibilities and obligations hereunder. Each of the parties agrees to be fully responsible for the acts and omissions of its third party contractors and agents, and of persons either directly or indirectly employed by the party. Neither of the parties shall have any obligation to pay, or to see to the payment of, any monies to any party or persons either directly or indirectly employed by the other.



## EXHIBIT E

CITY RECORD FORMAT SPECIFICATIONS (FTB 909)

Data Element Name	Start Pos.	End Pos.	Field Size	Usage	Description
SOCIAL SECURITY NUMBER (SSN)	1	9	9	AN	Must be present unless FEIN is provided. Fill unused field with zeros.
FEDERAL EMPLOYER ID NUMBER (FEIN)	10	18	9	AN	Must be present unless SSN is provided. Fill unused field with zeros.
OWNERSHIP TYPE	19	19	1	AN	Must be present: S = Sole Proprietorship P = Partnership C = Corporation T = Trust L = Limited Liability Company
OWNER'S LAST NAME	20	34	15	AN	Must be present if Ownership Type in position 19 = S.
OWNER'S FIRST NAME	35	45	11	AN	Must be present if Ownership Type in position 19 = S.
OWNER'S MIDDLE INITIAL	46	46	1	AN	May be left blank.
BUSINESS NAME	47	86	40	AN	Enter if business is operating under a fictitious name (Doing Business As (DBA)).
BUSINESS ADDRESS NUMBER AND STREET	87	126	40	AN	Address of the business location or the residence of the owner if sole proprietorship.
CITY	127	166	40	A	Must be present.
STATE	167	168	2	A	Enter standard state abbreviation.
ZIP CODE	169	177	9	AN	Enter the five- or nine-digit ZIP Code assigned by the U.S. Postal Service. If only the first five-digits are known, left-justify information and fill the unused fields with zeros.
BUSINESS START DATE	178	185	8	N	Enter the eight-digit date (MMDDYYYY). Zero fill if not known.
BUSINESS CEASE DATE	186	193	8	N	Enter the eight-digit date (MMDDYYYY) if out of business. Zero fill if unknown or still in business.
CITY BUSINESS TAX NUMBER	194	196	3	N	Enter three-digit number assigned by FTB.

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS)	197	202	6	N	Enter the two- to six-digit NAICS code. Left justify. (example 99 will be 9900). Fill unused fields with zeros.
STANDARD INDUSTRIAL CLASSIFICATION (SIC)	203	206	4	N	Enter the 2-4 digit SIC code. Left justify (example 99 will be 9900). Fill unused fields with zeros.
TOTAL RECORD LENGTH		206			

**EXHIBIT F****FRANCHISE TAX BOARD RECORD LAYOUT SPECIFICATIONS (FTB 909A)**

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

**EXHIBIT G**

**CONFIDENTIALITY STATEMENT (FTB 712)**

**State of California**

**Franchise Tax Board**

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

As a city employee, you are required to protect all information of or received from the Franchise Tax Board (FTB). To protect confidential tax data, you must:

- **Access or modify tax data solely to perform official duties.**
- **Never access or inspect tax data for curiosity or personal reasons.**
- **Never show or discuss confidential tax data with anyone who does not have a need to know.**
- **Never remove confidential tax data from your worksite without authorization.**
- **Place confidential information in approved locations only.**

Unauthorized inspection, access, use, or disclosure of confidential tax data is a crime under state laws, including but not limited to, California Revenue and Taxation Code Sections 19542, 19542.1 and 19552 and Penal Code Section 502. Unauthorized access, inspection, use, or disclosure may result in either or both of the following:

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

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

Name	
Signature	Date



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Jane Halstead, City Clerk, CMC

**AGENDA DATE:** March 25, 2014

**TITLE:** RESOLUTION ESTABLISHING CRITERIA TO GUIDE THE PROCESS OF REVISING THE BOUNDARIES OF COUNCILMANIC DISTRICTS

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### **RECOMMENDED ACTION**

Recommendation:

1. Adopt Resolution No. 2014-24. A Resolution of the City Council of the City of Moreno Valley, California, establishing criteria to guide the process of revising the boundaries of the Council districts from which members of the City Council are elected.

### **SUMMARY**

On February 11, 2014 the City Council authorized calling an election to create the office of a directly elected Mayor for the City; authorized the proposed redistricting of the City into four (4) Council Districts to execute a contract for redistricting consulting services and authorize the Chief Financial Officer to make appropriation changes as may be required. The City Council further directed staff to prepare all necessary documents and ordinances for the City Council to call an election on the matter of a directly elected Mayor and four (4) City Council Districts for the November 4, 2014 municipal general election and adopt Resolution No. 2014-18, relating to the Direct Election of the Mayor and Reapportionment of Councilmanic Districts; and authorizing the drafting of Redistricting Plans.

### **DISCUSSION**

The initial step in undertaking the revision of district boundaries is to establish criteria which will be used to guide the redistricting process. In establishing the boundaries of

the district, the Council will give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, continuity, integrity and compactness of territory, and (d) community of interests within the district. The concepts reflected in the proposed criteria were presented by Mr. Justin Levitt, Vice-President of National Demographic Corporation (NDC) on March 11, 2014. National Demographics, a nationally recognized leader in the redistricting field, has been contracted by the City to conduct the required redistricting process. Mr. Levitt presented the legal requirements and traditional redistricting criteria.

National Demographics Consultant will be demonstrating the redistricting tool and presenting information regarding the process at two Citizens' Community meetings on March 31, 2014 at 6:00 p.m. – 8:00 p.m. in the Council Chamber and April 16, 2014 at 6:00 p.m. – 8:00 p.m. in the Senior Center. The public is encouraged to attend and submit input.

### **ALTERNATIVES**

N/A

### **FISCAL IMPACT**

Costs for the consultant work to develop revised City Council districts are estimated at approximately \$30,000 based on the City's previous redistricting process. Updated projections will be developed as the scope of work is refined. The Chief Financial Officer has been authorized to make appropriation changes as may be required for these specialized services.

Description	Fund	GL Account No.	Type (Rev/Exp)	FY 13/14 Budget	Proposed Adjustments	FY 13/14 Amended Budget
Redistrict Consultant	Gen. Fund	1010-12-05-12010-625099	Exp	\$16,500	\$30,000	\$46,500

The November 4, 2014 elections costs have been estimated to be \$45,000.00 - \$50,000.00 per ballot measure. Two measures will appear on the ballot regarding the elective Mayor and Council district reapportionment.

### **CITY COUNCIL GOALS**

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

**NOTIFICATION**

**Agenda**

**ATTACHMENTS**

Attachment 1 - Proposed Resolution Redistricting Criteria

Prepared by:  
Jane Halstead, City Clerk

Department Head Approval:  
Jane Halstead, City Clerk

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RESOLUTION NO. 2014-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING CRITERIA TO GUIDE THE PROCESS OF REAPPORTINMENT OF COUNCILMANIC DISTRICTS; AND FROM WHICH MEMBERS OF THE CITY COUNCIL ARE ELECTED

WHEREAS, the Council Members of the City of Moreno Valley are elected from five districts within the City; and

WHEREAS, the City intends to place before the voters of the City a measure concerning the direct election of the Mayor and reapportionment of councilmanic districts such that there are four (4) districts; and

WHEREAS, in an effort to ensure a fair and orderly process for redrawing the district boundaries and to promote public confidence in the process, the City Council has decided to adopt criteria to guide the boundary revision process before revised district boundary proposals are drawn.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: that the redistricting criteria described in Exhibit A, attached hereto and incorporated herein by this reference, are adopted by the City Council and shall guide the City Council in the process of revising the Council districts from which Council Members are elected.

BE IT FURTHER RESOLVED that the City Council reserves the right to modify these criteria by further resolution or minute order to address issues or concerns raised during the redistricting process upon which the City is about to engage.

APPROVED AND ADOPTED this 25th day of March, 2014.

\_\_\_\_\_  
Mayor of the City of Moreno Valley

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

1  
Resolution No. 2014-24  
Date Adopted: March 25, 2014

**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. 2014-24 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 25th day of March, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

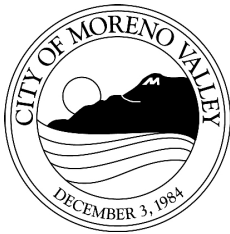
Resolution No. 2014-24<sup>2</sup>  
Date Adopted: March 25, 2014

## EXHIBIT A

- Equal Population among Council Districts
  - o The boundaries of the districts shall be established so that the districts are at least as nearly equal in population as required by law.
  
- Federal Voting Rights Act
  - o The boundaries of the districts shall be established so that the districts do not result in a denial or abridgement of the right of any citizen to vote on account of race or color as provided in Section 2 of the federal Voting Rights Act.
  
- Communities of Interest
  - o The boundaries of the districts shall observe communities of interest, such as school- and park-connected neighborhoods, rural or urban populations, city planning areas, social interests, agricultural, industrial or service industry interests, and the like, insofar as practicable.
  
- Compactness & Contiguity
  - o The boundaries of the districts shall be compact, insofar as practicable.
  
- Population Growth
  - o To maintain a longer-term population balance, districts known to be areas of higher-than average population growth in the two to five years following redistricting may be under populated within the population deviation amounts allowed by law.

3  
Resolution No. 2014-24  
Date Adopted: March 25, 2014

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>D</i>

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Michelle Dawson, City Manager

**AGENDA DATE:** March 25, 2014

**TITLE:** AMENDMENT TO THE COOPERATIVE AGREEMENT WITH THE RIVERSIDE COUNTY FIRE DEPARTMENT FOR FIRE PROTECTION, FIRE PREVENTION, RESCUE, AND MEDICAL EMERGENCY SERVICES

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### RECOMMENDED ACTION

#### Recommendations:

1. Amend the Current Cooperative Agreement with the Riverside County Fire Department for Fire Protection, Fire Prevention, Rescue and Medical Emergency Services to include Fire Protection Planning Services, as recommended by the Public Safety Sub-Committee, with an anticipated effective date of April 1, 2014.
2. Authorize the City Manager to execute the Cooperative Agreement.
3. Defund the City Fire Marshal position upon the effective date of the amended Agreement.
4. Authorize the transition to County Fire Safety Specialist and County Fire Systems Inspector for the City positions of Fire Safety Specialist, Fire Inspector II, and Fire Inspector I as new positions or promotional opportunities become available.

## **SUMMARY**

As initially outlined in the City Manager's March 11<sup>th</sup> Mid-Year Budget Report, staff recommends amending the current Cooperative Agreement with the Riverside County Fire Department for Fire Protection, Fire Prevention, Rescue and Medical Emergency Services to include Fire Protection Planning Services. Upon the effective date of the amended Agreement, the Riverside County Fire Department will initiate the recruitment and hiring of a Deputy Fire Marshal to oversee and manage the City's Fire Prevention Bureau. Because this position will be filled by a County employee, the City's Fire Marshal position will be defunded upon the effective date of the updated Agreement.

The positions of Fire Safety Specialist, Fire Inspector II, and Fire Inspector I will transition to Riverside County Fire through attrition; City employees will not be affected by this change while serving in their existing classifications. Instead, newly hired or promoted staff members would become County employees.

By contracting with the Riverside County Fire Department for Fire Protection Planning Services, the City will receive Monday through Friday inspection services as well as consistency in the application of the Fire Code across all jurisdictions overseen by the Riverside County Fire Department. In addition, the City's Fire Prevention Bureau will be partners in the integrated, cooperative, regional fire protection system providing access to the significant technical expertise and staffing resources available through Riverside County's Fire Protection Planning team.

## **DISCUSSION**

Since 1985, the City of Moreno Valley has received fire protection services through a Cooperative Agreement with the Riverside County Fire Department. This Agreement has been renewed on six separate occasions: 1990, 1993, 1997, 2002, 2009, and 2013. During four of those contract periods, the City contracted for fire and emergency response services, as well as fire protection planning services.

In Fiscal Year 2005/2006, the City Council opted to provide fire protection planning staffed by City employees whose activities would be overseen by the Fire Chief through Riverside County Fire's partnership with Moreno Valley. The City's objective at that time was to determine whether City staffing and first-level supervision could enhance the level of service provided and more effectively integrate fire prevention planning activities with the City's other development services. Ongoing review of service effectiveness indicates that the existing structure has not increased efficiency. In fact, operation of a "stand alone" Fire Prevention Bureau has actually limited the City's ability to take full advantage of the standardization and integration available to other Riverside County cities which partner with County Fire for the full range of Fire operations and planning services. Moreno Valley is the only city served by County Fire that operates its own full-service Fire Prevention Bureau; the recommended contract amendment reinstates a countywide best practice.

For the reasons detailed in this report, I am recommending a return to a service model that has proven successful for our City and others in our region.

The Riverside County Fire Department is one of the largest regional fire service organizations in California. The Riverside County Fire Department is an “all-risk fire department,” providing a robust range of services to their 21 partner cities, including:

- Emergency Medical Response
- Hazardous Materials Response
- Fire Prevention/Law Enforcement
- Training
- Fire Protection Planning
- Health and Safety functions
- Public Affairs
- Community Services
- Emergency Preparedness/Operations

The Riverside County Fire Protection Planning Division enforces laws, codes, and standards to effectively and efficiently provide fire and life safety, education, planning, engineering, enforcement, and inspection services to the unincorporated area of Riverside County and to 18 partner cities. The advantages of contracting with Riverside County Fire for fire protection planning services include:

- Consistency in the application of the Fire Code across Riverside County and all partner cities;
- Monday through Friday fire inspection services for the development community ;
- A highly qualified and professional staff;
- Access to the full extent of Riverside County Fire Protection Planning resources, including technical expertise and staffing; and
- Cost savings for the City.

Under the proposed contract amendment, developers in Moreno Valley will gain efficiencies because they will know more precisely what to expect...the same level of service, application of the Fire Code, and inspection services provided in the unincorporated area of the County or in any of the 18 partner cities that contract with Riverside County for Fire Protection Planning Services. This level of consistency reinforces our City’s emphasis on Customer Care and our effectiveness in streamlining the development approval process for residential and commercial/industrial projects of all types.

Because the County of Riverside is not on a work schedule reduction program, offices staffed by County employees are open five days each week. Personnel assigned to the County Fire Protection Planning Division currently work either a 4/40 or 9/80 work week, with staggered shifts to provide Monday through Friday coverage; however, the City Fire Chief will request that County employees work a 9/80 work week. New construction inspections for the development community will occur every Friday of the

month, which represents an increase over the City's current schedule through which offices are open on the 2<sup>nd</sup> and 4<sup>th</sup> Fridays of each month.

Additionally, Riverside County's Fire Protection Planning Division conducts hundreds of hours of fire inspections and plan reviews on a weekly basis. This Division not only reviews all planning cases in unincorporated Riverside County and their partner cities but also: reviews and inspects new construction development; performs fire life/safety inspections of State-regulated occupancies; reviews and issues permits for special events; provides information on Ordinances and Standards for construction; and serves as the lead agency on a working committee to adopt the California Fire Code with amendments for the County and local communities.

The County staff's expertise in addressing a high volume of complex development planning renders them particularly well suited to meet demands for plan review and inspections in Moreno Valley. Regardless of their assigned jurisdiction, personnel with experience in highly complex and unusual development are able to assist other partner cities in plan review and inspections as needed to ensure smooth and seamless development while achieving code compliance. In addition, fluctuations in workload and unexpected absences are more easily absorbed, minimizing any impact on service delivery and timelines.

Lastly, the City will realize cost savings over time by transitioning to Riverside County Fire Department staffing. Using industry standard salary comparison methodology ("top step" salaries under both models, and a full work week without furlough), the City can expect to save approximately \$140,000 annually once the transition is complete. If the City's furlough program were factored into this calculation, projected savings under this "Top Step to Top Step" comparative methodology would fall to \$92,609 per year; but it is important to note that the furlough also decreases service hours by 5%.

As outlined in the Summary section of this report and presented as part of the City Manager's Mid-Year Budget Report on March 11, 2014, conversion to County Fire Department staffing will begin immediately upon the effective date of the amended agreement with the defunding for the City Fire Marshal position and its replacement by a County Deputy Fire Marshal funded and authorized through the amended Agreement. The positions of Fire Safety Specialist, Fire Inspector II, and Fire Inspector I will transition to Riverside County Fire through attrition; City employees will not be affected by this change while serving in their existing classifications. Instead, newly hired or promoted staff members would become County employees.

## **ALTERNATIVES**

1. Amend the Current Cooperative Agreement with the Riverside County Fire Department for Fire Protection, Fire Prevention, Rescue and Medical Emergency Services to include Fire Protection Planning Services; authorize the City Manager to execute the Cooperative Agreement; defund the City Fire Marshal position upon the effective date of the amended Agreement; and authorize the transition to County Fire Safety Specialist and County Fire Systems Inspector for



the City positions of Fire Safety Specialist, Fire Inspector II, and Fire Inspector I as new positions or promotional opportunities become available. *This alternative will restore the City's previously longstanding model for provision of Fire Protection Planning Services and implement a Best Practice which has proven successful in Moreno Valley and other cities which partner with the Riverside County Fire Department. Staff recommends this alternative.*

2. Maintain the current service delivery method through which the City of Moreno Valley provides "stand alone" Fire Protection Planning Services. This model precludes the City's ability to achieve the service enhancements and cost savings outlined in this report. *Staff does not recommend this alternative.*

### **FISCAL IMPACT**

The amendment to the Cooperative Agreement with the Riverside County Fire Department for Fire Protection, Fire Prevention, Rescue and Medical Emergency Services to include Fire Protection and Planning Services is anticipated to initially save the City of Moreno Valley \$50,000 in Fiscal Year 2014/2015. Once the transition is complete, the City can expect to save \$138,853 annually. This figure is calculated based upon industry standard salary comparison methodology ("top step" salaries under both models, and a full work week without furlough). If the City's furlough program were factored into this calculation, projected savings under this "Top Step to Top Step" comparative methodology would fall to \$92,609 per year; but it is important to note that the furlough also decreases service hours by 5%.

*Table 1: City of Moreno Valley Fire Prevention Bureau  
Staff Salary & Benefits  
(Top Step without City Furlough or associated reduction in service hours)*

Job Title	Quantity	Estimated Salary & Benefits per position	Total Annual Cost
Fire Inspector I	2	\$96,247	\$192,494
Fire Inspector II	2	\$123,722	\$247,443
Fire Safety Specialist	2	\$134,218	\$268,436
Fire Marshal	1	\$216,513	\$216,513
<b>Total Costs</b>			<b>\$924,886</b>

*Table 2: Riverside County Fire Department Fire Protection Planning Division  
Staff Salary & Benefits (Top Step)*

Job Title	Quantity	Annual Cost per Position	Total Cost
County Fire Systems Inspector	4	\$101,475	\$405,900
County Fire Safety Specialist	2	\$118,433	\$236,866
County Deputy Fire Marshal	1	\$143,267	\$143,267
<b>Total Cost</b>			<b>\$786,033</b>

*Table 3: Potential City Savings  
(Top Step Comparison without City Furlough or associated reduction in service hours)*

Annual Cost for City Salary & Benefits	\$924,886
Annual Cost for County Salary and Benefits	\$786,033
<b>Potential City Savings to Contract</b>	<b>\$138,853</b>

### **CITY COUNCIL GOALS**

1. Public Safety. Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.
2. Positive Environment. Create a positive environment for the development of Moreno Valley.

### **NOTIFICATION**

This proposal was presented to the City Council's Public Safety Sub-Committee on January 27, 2014 and recommended for approval by the City Council. It was also presented as part of the City Manager's Mid-Year Budget Report on March 11, 2014.

**ATTACHMENTS**

Attachment 1      First Amendment to Cooperative Agreement for Fire Protection Services

Attachment 2      Cooperative Agreement for Fire Protection Services 2013-2016

Prepared By:  
Cynthia Owens  
Management Analyst

Concurred by:  
Abdul Ahmad  
Fire Chief

Concurred By:  
Richard Teichert  
Chief Financial Officer

Concurred by:  
Thomas M. DeSantis  
Assistant City Manager

Approved By:  
Michelle Dawson  
City Manager

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**FIRST AMENDMENT TO “A COOPERATIVE AGREEMENT TO PROVIDE  
FIRE PROTECTION, FIRE PREVENTION, RESCUE AND MEDICAL  
EMERGENCY SERVICES FOR THE CITY OF MORENO VALLEY”**

THIS FIRST AMENDMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the County of Riverside, a political subdivision of the State of California, on behalf of the Fire Department, (hereinafter referred to as “COUNTY”) and the City of Moreno Valley, a duly created city, (hereinafter referred to as “CITY”), whereby it is agreed as follows:

1. Recitals. This First Amendment is made with respect to the following purposed and facts which each of the parties agree to be true and correct:

A. On June 18, 2013 the COUNTY and the CITY entered into that certain agreement entitled: “A Cooperative Agreement to Provide Fire Protection, Fire Prevention, Rescue and Medical Emergency Services for the City of Moreno Valley” (hereinafter referred to as the “Agreement”).

B. The parties delete the language currently found in Paragraph D in SECTION II: DESIGNATION OF FIRE CHIEF and replace it with:

D. COUNTY will provide Fire Protection and Planning Services through a COUNTY employee serving, with the City Manager’s concurrence, as the City Fire Marshal. As vacancies occur in City classifications of Fire Safety Specialist, Fire Inspector II, and Fire Inspector I, COUNTY will provide said services. It is the parties’ intent that existing City employees will continue to serve in their existing classifications; positions will be filled by COUNTY as vacancies occur.

2. Other Terms Remain. Except as specifically set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect.

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[Signature Provisions on following page]

IN WITNESS WHEREOF, the duly authorized officials of the parties hereto have, in their respective capacities, set their hands as of the date first hereinabove written.

Dated: \_\_\_\_\_ CITY OF MORENO VALLEY

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

ATTEST:

APPROVED AS TO FORM:

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

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

(SEAL)

Dated: \_\_\_\_\_ COUNTY OF RIVERSIDE

By: \_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

KECIA HARPER-IHEM  
Clerk of the Board

PAMELA J. WALLS,  
County Counsel

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

By: \_\_\_\_\_  
ERIC STOPHER  
Deputy County Counsel

(SEAL)

*Original 4 of 4*

**A COOPERATIVE AGREEMENT  
TO PROVIDE FIRE PROTECTION, FIRE PREVENTION, RESCUE  
AND MEDICAL EMERGENCY SERVICES FOR THE CITY OF MORENO VALLEY**

THIS AGREEMENT, made and entered into this 18th day of June, 2013, by and between the County of Riverside, a political subdivision of the State of California, on behalf of the Fire Department, (hereinafter referred to as "COUNTY") and the City of Moreno Valley, a duly created city, (hereinafter referred to as "CITY"), whereby it is agreed as follows:

SECTION I: PURPOSE

The purpose of this Agreement is to arrange for COUNTY, through its Cooperative Fire Programs Fire Protection Reimbursement Agreement ("CAL FIRE Agreement") with the California Department of Forestry and Fire Protection ("CAL FIRE") to provide CITY with fire protection, disaster preparedness and response, fire prevention, rescue, hazardous materials mitigation, technical rescue response, medical emergency services, and public service assists (hereinafter called "Fire Services"). This Agreement is entered into pursuant to the authority granted by Government Code Sections 55603, 55603.5, 55606, 55632 and 55642, and will provide a unified, cooperative, integrated, and effective fire services system. COUNTY's ability to perform under this Agreement is subject to the terms and conditions of the CAL FIRE Agreement.

SECTION II: DESIGNATION OF FIRE CHIEF

A. The County Fire Chief appointed by the Board of Supervisors, or his designee, (hereinafter referred to as "Chief") shall represent COUNTY and CITY during the period of this Agreement and Chief shall, under the supervision and direction of the County Board of Supervisors, have charge of the organization described in Exhibit "A", attached hereto and made a part hereof, for the purpose of providing Fire Services as deemed necessary to satisfy the needs of both the COUNTY and CITY, except upon those lands wherein other agencies of government have responsibility for the same or similar Fire Services.

B. CITY may budget for the position of a Deputy Chief or a Division Fire Chief or COUNTY may assign an existing Chief Officer as the Contract City representative ("City Representative"). The Chief may delegate certain authority to the City Representative, as the Chief's duly authorized designee and the City Representative shall be responsible for directing the Fire Services provided to CITY as set forth in Exhibit "A".

C. COUNTY will be allowed flexibility in the assignment of available personnel and equipment in order to provide the Fire Services as agreed upon herein.

Cooperative Fire Agreement  
City of Moreno Valley  
July 1, 2013 to June 30, 2016  
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*3-35*

D. CITY provides Fire Protection and Planning Services through the City Fire Marshal. The City Fire Marshal is under the supervision of and reports to the City Fire Chief.

### SECTION III: PAYMENT FOR SERVICES

A. CITY shall annually appropriate a fiscal year budget to support the Fire Services designated at a level of service mutually agreed upon by both parties and as set forth in Exhibit "A." This Exhibit may be amended in writing by mutual agreement by both parties in the event of an increase and/or decrease of salary or expenses or when CITY requests an increase and/or decrease in services.

1. Any changes to the salaries or expenses set forth in Exhibit "A" made necessary by action of the Legislature, CAL FIRE, or any other public agency with authority to direct changes in the level of salaries or expenses, shall be paid from the funds represented as set forth in Exhibit "A." There shall be no obligation on the part of CITY to expend or appropriate any sum in excess of Exhibit "A" which exceeds the yearly appropriation of CITY for the purposes of this Agreement. If within thirty (30) days after notice, in writing, from COUNTY to CITY that the actual cost of maintaining the services specified in Exhibit "A" as a result of action by the Legislature, CAL FIRE or other public agency will exceed the total amount specified therein, and CITY has failed to agree to make available the necessary additional funds, COUNTY shall have the right to unilaterally reduce the services furnished under this Agreement by an appropriate amount and shall promptly notify CITY, in writing, specifying the services to be reduced. Personnel reductions resulting solely due to an increase in employee salaries or expenses occurring after signing this Agreement and set forth in Exhibit "A" to this Agreement shall not be subject to relocation expense reimbursement by CITY, as outlined in Section III, B. If CITY desires to add funds to the total included herein to cover the cost of increased salaries or services necessitated by actions described herein, such increase shall be accomplished by an amendment to Exhibit "A" and approved by the parties hereto.

2. In the event CITY requests an increase in services and paragraph A.1. of this Section is not applicable, an amendment to Exhibit "A" may be approved by the parties hereto.

B. COUNTY provides fire personnel, equipment and services through its CAL FIRE Agreement. In the event CITY desires a reduction in CAL FIRE or COUNTY civil service employees or services assigned to CITY as provided for in Exhibit "A," when paragraph A.1. of this Section is not applicable, CITY shall provide one hundred twenty (120) days written notice of the requested reduction. Proper notification shall include the following: (1) The total amount of reduction; (2) The effective date of the reduction; and (3) The number of employees, by classification, affected by the proposed reduction. If such notice is not provided, CITY shall reimburse COUNTY for relocation costs



incurred by COUNTY because of the reduction, in addition to any other remedies available resulting from the reduction in services.

C. CITY shall pay COUNTY actual costs for Fire Services pursuant to this Agreement in an amount not to exceed that set forth in Exhibit "A," as amended. COUNTY shall make a claim to CITY for the actual cost of contracted services, pursuant to Exhibit "A," on a quarterly basis. CITY shall pay each claim within thirty (30) days after receipt thereof.

D. Chief may be authorized to negotiate and execute any amendments to Exhibit "A" of this Agreement on behalf of COUNTY as authorized by the Board of Supervisors. CITY shall designate a "Contract Administrator" who shall, under the supervision and direction of CITY, be authorized to execute amendments to Exhibit "A" on behalf of CITY.

E. \_\_\_\_\_ [ ] (Check only if applicable, and please initial to acknowledge) Additional terms as set forth in the attached Exhibit "B" are incorporated herein and shall additionally apply to this agreement regarding payment of services.

F. \_\_\_\_\_ [ X ] (Check only if applicable, and please initial to acknowledge) Additional terms as set forth in the attached Exhibit "C" are incorporated herein and shall additionally apply to this agreement regarding payment for the Fire Engine Use Agreement. In the event that a fire engine which was initially purchased by the CITY and then the CITY elects to have the COUNTY take responsibility of said fire engine(s), the following will apply. All capital improvements and/or betterments to the fire engine(s) will be the responsibility and paid for by the owner of said engine(s). All other maintenance and repairs to the fire engine(s) listed in the attached Exhibit "C" will be the responsibility and paid for by the COUNTY under this Agreement. The insurance responsibility will be dependant upon the CITY'S option to maintain or transfer title of said fire engine(s).

G. Notwithstanding Paragraph F herein if applicable, additional terms as set forth are incorporated herein and shall additionally apply to this agreement regarding payment of services. In the event that fire engine, owned and maintained by the CITY has a catastrophic failure, the COUNTY Fire Chief may allow use of a COUNTY fire engine, free of charge up to one hundred twenty (120) days. After the initial one hundred twenty (120) days, a rental fee will be applied to the CITY invoice for use of said COUNTY fire engine. The rental fee shall be Nine Hundred Forty Four Dollars (\$944.00) per day, or Six Thousand Six Hundred Eight Dollars (\$6,608.00) per week.

#### SECTION IV: INITIAL TERM AND RENEWAL

A. The term of this Agreement shall be from July 1, 2013, to June 30, 2016. Either party to this Agreement may terminate this Agreement by providing a written notice of termination to the other party hereto no less than one (1) year prior to the

Cooperative Fire Agreement  
City of Moreno Valley  
July 1, 2013 to June 30, 2016  
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expiration of the term hereof. If such notice is given unilaterally by COUNTY except any notice issued because of actions of CAL FIRE or CITY, COUNTY agrees to continue to provide Fire Services to CITY until such time as CITY has a reasonable opportunity to implement alternative Fire Services. In no event shall this Agreement be terminated by either party after June 30, 2015.

B. One (1) year prior to the date of expiration of this Agreement, CITY shall give COUNTY written notice of whether CITY intends to extend this Agreement or enter into a new agreement with COUNTY for Fire Services and, if so, whether CITY intends to change the level of Fire Services provided under this Agreement.

C. If CITY fails to provide such notice, as defined in paragraph B above, COUNTY shall have the option to extend this Agreement for a period of up to one (1) year from the original termination date and to continue providing services at the same or reduced level as COUNTY determines would be appropriate during the extended period of this Agreement. Six (6) months prior to the date of expiration of this Agreement, or any extension hereof, COUNTY shall give written notice to CITY of any extension of this Agreement and any changes in the level of Fire Services COUNTY will provide during the extended period of this Agreement. Services provided and obligations incurred by COUNTY during an extended period shall be accepted by CITY as services and obligations under the terms of this Agreement.

D. The cost of services provided by COUNTY during the extended period shall be based upon the amounts that would have been charged to CITY during the fiscal year in which the extended period falls, had a new agreement been extended under this Section IV. Payment by CITY for services rendered by COUNTY during the extended period shall be in accordance with Exhibit "A," of this Agreement.

#### SECTION V: TERMINATION

Either party to this Agreement may terminate this Agreement by providing a written notice of termination to the other party hereto no less than one (1) year prior to the expiration of the term hereof. This Agreement may be terminated by the voters of either the COUNTY or the CITY pursuant to Government Code §55603.5.

#### SECTION VI: COOPERATIVE OPERATIONS

All Fire Services contemplated under this Agreement shall be performed by both parties to this Agreement working as one unit; therefore, personnel and equipment belonging to either CITY or COUNTY may be temporarily dispatched elsewhere from time to time for mutual aid.

## SECTION VII: MUTUAL AID

Pursuant to Health and Safety Code Sections 13050 et seq., when rendering mutual aid or assistance, COUNTY may, at the request of CITY, demand payment of charges and seek reimbursement of CITY costs for personnel, equipment and operating expenses as funded herein, under authority given by Health and Safety Code Sections 13051 and 13054. COUNTY, in seeking said reimbursement pursuant to such request of CITY, shall represent the CITY by following the procedures set forth in Health and Safety Code Section 13052. Any recovery of CITY costs, less actual expenses, shall be paid or credited to the CITY, as directed by CITY.

In all such instances, COUNTY shall give timely notice of the possible application of Health and Safety Code Sections 13051 and 3054 to the officer designated by CITY.

## SECTION VIII: SUPPRESSION COST RECOVERY

As provided in Health and Safety Code Section 13009, COUNTY may bring an action for collection of suppression costs of any fire caused by negligence, violation of law, or failure to correct noticed fire safety violations. When using CITY equipment and personnel under the terms of this Agreement, COUNTY may, on request of CITY, bring such an action for collection of costs incurred by CITY. In such a case CITY appoints and designates COUNTY as its agent in said collection proceedings. In the event of recovery, COUNTY shall apportion to CITY its pro-rata proportion of recovery, less the reasonable pro-rata costs including legal fees.

In all such instances, COUNTY shall give timely notice of the possible application of Health and Safety Code Section 13009 to the officer designated by CITY.

## SECTION IX: PROPERTY ACCOUNTING

All personal property provided by CITY and by COUNTY for the purpose of providing Fire Services under the terms of this Agreement shall be marked and accounted for in such a manner as to conform to the standard operating procedure established by the County Fire Department for the segregation, care, and use of the respective property of each.

## SECTION X: FACILITY

City shall provide Fire Station(s), strategically located to provide standard response time within the City of Moreno Valley from which fire operations shall be conducted. If the Fire Station(s) are owned by the City, the City shall maintain the facilities at its cost and expense. In the event City requests County to undertake repairs or maintenance costs or services, the costs and expenses of such repairs or maintenance shall be reimbursed to County through the Support Services Cost Allocation, or as a direct Invoice to the City.

SECTION XI: INDEMNIFICATION AND HOLD HARMLESS

To the fullest extent permitted by applicable law, COUNTY shall and does agree to indemnify, protect, defend and hold harmless CITY, its agencies, districts, special districts and departments, their respective directors, officers, elected and appointed officials, employees, agents and representatives (collectively, "**Indemnitees**") for, from and against any and all liabilities, claims, damages, losses, liens, causes of action, suits, awards, judgments and expenses, attorney and/or consultant fees and costs, taxable or otherwise, of any nature, kind or description of any person or entity, directly or indirectly arising out of, caused by, or resulting from (1) the Services performed hereunder by COUNTY, or any part thereof, (2) the Agreement, including any approved amendments or modifications, or (3) any negligent act or omission of COUNTY, its officers, employees, subcontractors, agents, or representatives (collectively, "**Liabilities**"). Notwithstanding the foregoing, the only Liabilities with respect to which COUNTY's obligation to indemnify, including the cost to defend, the Indemnitees does not apply is with respect to Liabilities resulting from the negligence or willful misconduct of an Indemnatee, or to the extent such claims do not arise out of, pertain to or relate to the Scope of Work in the Agreement.

To the fullest extent permitted by applicable law, CITY shall and does agree to indemnify, protect, defend and hold harmless COUNTY, its agencies, departments, directors, officers, agents, Board of Supervisors, elected and appointed officials and representatives (collectively, "**Indemnitees**") for, from and against any and all liabilities, claims, damages, losses, liens, causes of action, suits, awards, judgments and expenses, attorney and/or consultant fees and costs, taxable or otherwise, of any nature, kind or description of any person or entity, directly or indirectly arising out of, caused by, or resulting from (1) the services performed hereunder, by CITY, or any part thereof, (2) the Agreement, including any approved amendments or modifications, or (3) any negligent act or omission of CITY its officers, employees, subcontractors, agents, or representatives (collectively, "**Liabilities**"). Notwithstanding the foregoing, the only Liabilities with respect to which CITY's obligation to indemnify, including the cost to defend, the Indemnitees does not apply is with respect to Liabilities resulting from the negligence or willful misconduct of an Indemnatee, or to the extent such claims do not arise out of, pertain to or relate to the Scope of Work in the Agreement.

SECTION XII: AUDIT

COUNTY and CITY agree that their designated representative shall have the right to review and to copy any records and supporting documentation of the other party hereto, pertaining to the performance of this Agreement. COUNTY and CITY agree to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated or as required by law, and to allow the auditor(s) of the other party access to such records during normal

business hours and to allow interviews of any employees who might reasonably have information related to such records. COUNTY and CITY agree to a similar right to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).

### SECTION XIII: DISPUTES

CITY shall select and appoint a "Contract Administrator" who shall, under the supervision and direction of CITY, be available for contract resolution or policy intervention with COUNTY, when, upon determination by the Chief that a situation exists under this Agreement in which a decision to serve the interest of CITY has the potential to conflict with COUNTY interest or policy. Any dispute concerning a question of fact arising under the terms of this Agreement which is not disposed of within a reasonable period of time by the CITY and COUNTY employees normally responsible for the administration of this Agreement shall be brought to the attention of the Chief Executive Officer (or designated representative) of each organization for joint resolution. For purposes of this provision, a "reasonable period of time" shall be ten (10) calendar days or less. CITY and COUNTY agree to continue with the responsibilities under this Agreement during any dispute. Disputes that are not resolved informally by and between CITY and COUNTY representatives may be resolved, by mutual agreement of the parties, through alternate forms of dispute resolution, including, but not limited to, mediation or non-binding arbitration. The costs associated with the selected form of dispute resolution such as mediation or non-binding arbitration shall be shared equally among the participating parties. If the alternate form of dispute resolution does not resolve the issue(s), the parties reserve the right to seek remedies as provided by law or in equity. Venue for litigation shall be in Riverside County.

Any claims or causes of actions, whether they arise out of unresolved disputes as specified in this Section or claims by third parties that are made against the COUNTY, shall be submitted to the Office of the Clerk of the Board for the County of Riverside in a timely manner.

### SECTION XV: DELIVERY OF NOTICES

Any notices to be served pursuant to this Agreement shall be considered delivered when deposited in the United States mail and addressed to:

COUNTY  
County Fire Chief  
210 W. San Jacinto Ave.  
Perris, CA 92570

CITY OF MORENO VALLEY  
City Manager  
City of Moreno Valley  
Post Office Box 88005  
Moreno Valley, CA 92552-0805

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Provisions of this section do not preclude any notices being delivered in person to the addresses shown above. Delivery in person shall constitute service hereunder, effective when such service is made.

SECTION XVI: ENTIRE CONTRACT

This Agreement contains the whole contract between the parties for the provision of Fire Services. It may be amended or modified upon the mutual written consent of the parties hereto. This Agreement does NOT supplement other specific agreements entered into by both parties for equipment or facilities, and excepting those equipment or facilities agreements, this Agreement cancels and supersedes any previous agreement for the same or similar services.

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[Signature Provisions on following page]

IN WITNESS WHEREOF, the duly authorized officials of the parties hereto have, in their respective capacities, set their hands as of the date first hereinabove written.

Dated: 4/29/13

CITY OF MORENO VALLEY

By: [Signature]

Title: MAYOR

ATTEST:

By: [Signature]

Title: CITY CLERK

(SEAL)

APPROVED AS TO FORM:

[Signature]

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

COUNTY OF RIVERSIDE

By: [Signature]  
Chairman, Board of Supervisors  
**JOHN J. BENOIT**

ATTEST:

KECIA HARPER-IHEM  
Clerk of the Board

By: [Signature]  
Deputy

(SEAL)

APPROVED AS TO FORM:  
PAMELA J. WALLS,  
County Counsel

By: [Signature]  
ERIC STOPHER  
Deputy County Counsel

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EXHIBIT "A"  
 TO THE COOPERATIVE AGREEMENT  
 TO PROVIDE FIRE PROTECTION, FIRE PREVENTION, RESCUE  
 AND MEDICAL EMERGENCY SERVICES FOR THE CITY OF MORENO VALLEY  
 DATED OCTOBER 2, 2012 FOR FY 12/13  
 (Adding Station 99, Oct. 2012)

	CAPTAIN'S		CAPTAIN'S MEDICS		ENGINEER'S		ENGINEER MEDICS		FF II'S		FF II MEDICS		TOTALS	
STA. #2	333,687	2			142,698	1	159,689	1			277,343	2	913,417	6
(Truck)	500,531	3			428,093	3			731,994	6			1,660,619	12
STA. #6	333,687	2			285,396	2					277,343	2	896,426	6
STA. #48	333,687	2			285,396	2					277,343	2	896,426	6
STA. #58	333,687	2			285,396	2					277,343	2	896,426	6
(Truck)	0	0			0	0			0	0	0	0	0	0
STA. #65	333,687	2			285,396	2					277,343	2	896,426	6
STA. #91	333,687	2			142,698	1	159,689	1			277,343	2	913,417	6
(Truck)	*0	2			285,396	2			487,996	4			773,392	8
STA. #99	333,687	2			285,396	2					416,014	3	776,323	7 (Oct.-June)
Fixed Relief	333,687	2			285,396	2					277,343	2	896,426	6
Vac. Relief - Engine	166,844	1			285,396	2					138,671	1	590,911	4
Vac. Relief - Truck	*0	1			142,698	1	0	0			0	0	142,698	2
<b>SUBTOTALS</b>	<b>3,336,875</b>				<b>3,139,352</b>		<b>319,378</b>		<b>1,219,991</b>		<b>2,496,084</b>		<b>10,252,905</b>	
<b>SUBTOTAL STAFF</b>	<b>23</b>				<b>22</b>		<b>2</b>		<b>10</b>		<b>18</b>		<b>75</b>	
DIVISION CHIEF							245,383	each					245,383	1.0
BATTALION CHIEF							230,305	each					460,609	2.0
<b>SUBTOTAL</b>													<b>\$705,992</b>	<b>78.0</b>
<b>ESTIMATED SUPPORT SERVICES</b>														
Administrative/Operational							14,606	per assigned Staff **					248,302	68.0 (July-Sept.)
Administrative/Operational							14,606	per assigned Staff **					821,588	75.0 (Oct.-June)
Volunteer Program							9,363	Per Entity Allocation					9,363	1.0
Medic Program							5,739	per assigned Medics					24,391	17.0 (July-Sept.)
Medic Program							5,739	per assigned Medics					86,085	20.0 (Oct.-June)
Fleet Support							35,617	per Fire Suppression Equip					89,043	10.0 (July-Sept.)
Fleet Support							35,617	per Fire Suppression Equip					293,840	11.0 (Oct.-June)
ECC Support								Calls/Station Basis					104,204	(July-Sept.)
ECC Support								Calls/Station Basis					321,606	(Oct.-June)
Comm/IT Support								Calls/Station Basis					182,243	(July-Sept.)
Comm/IT Support								Calls/Station Basis					562,462	(Oct.-June)
Hazmat Support													15,114	(July-Sept.)
Hazmat Support													47,488	(Oct.-June)
<b>SUPPORT SERVICES SUBTOTAL</b>													<b>2,805,727</b>	
<b>ESTIMATED DIRECT CHARGES</b>													<b>95,392</b>	
FIRE ENGINE USE AGREEMENT							19,200	each engine					57,600	3
<b>TOTAL STAFF COUNT</b>													<b>78.0</b>	
<b>TOTAL ESTIMATED CITY BUDGET</b>													<b>\$13,917,615</b>	

\*Three Captains at FS #91 funded by Riverside County.

**SUPPORT SERVICES**

Administrative & Operational Services	**	75.0	Assigned Staff
Finance			
Training			
Data Processing			
Accounting			
Personnel			
		75.00	Total Assigned Staff
		6	Fire Stations
		7	Fire Stations
		13,429	Number of Calls
		6	Hazmat Stations
		7	Hazmat Stations
		10	Number of Hazmat Calls



Volunteer Program - Support staff, Workers Comp, and Personal Liability Insurance

Medic Program - Support staff, Training, Certification, Case Review & Reporting

Asset Support - Support staff, automotive costs, vehicle/engine maintenance, fuel costs

Emergency Command Center Support - Dispatch services costs

Communications / IT Support - Support staff, communications, radio maintenance, computer support functions

FY 12/13 POSITION SALARIES TOP STEP

248,679	DEPUTY CHIEF		
245,383	DIV CHIEF	19,200	FIRE ENGINE
230,305	BAT CHIEF	14,606	SRVDEL
166,844	CAPT	9,363	VOL DEL
184,768	CAPT MEDIC	5,739	MEDIC DEL
142,698	ENG	52,533	BATT DEL
159,689	ENG/MEDIC	11,993	ECC STATION
121,999	FF II	25.68	ECC CALLS
138,671	FF II/MEDIC	35,617	FLEET SUPPORT
127,015	FIRE SAFETY SUPERVISOR	20,979	COMM/IT STATION
118,433	FIRE SAFETY SPECIALIST	44.91	COMM/IT CALLS
101,475	FIRE SYSTEMS INSPECTOR	1,897	FACILITY STATION
56,023	OFFICE ASSISTANT III	518.54	FACILITY FTE
66,145	SECRETARY I	2,863	HAZMAT STATION
		4,151.49	HAZMAT CALLS
		1,761	HAZMAT VEHICLE REPLACEMENT

FY 12/13 DIRECT BILL ACCOUNT CODES

520230	Cellular Phone
520300	Pager Service
520320	Telephone Service
520800	Household Expense
520805	Appliances
	Cleaning and
520815	Custodial Supp
520830	Laundry Services
520840	Household Furnishings
520845	Trash
521380	Maint-Copier Machines
521440	Maint-Kitchen Equipment
	Maint-Office
521540	Equipment
521600	Maint-Service Contracts
521660	Maint-Telephone
521680	Maint-Underground Tanks
522310	Maint-Building and Improvement
522360	Maint-Extermination
522860	Medical-Dental Supplies
522870	Other Medical Care Materials
522890	Pharmaceuticals
523220	Licenses And Permits
523680	Office Equip Non Fixed Assets
526700	Rent-Lease Bldgs
526940	Locks/Keys
527280	Awards/Recognition
529500	Electricity
529510	Heating Fuel
529550	Water
537240	Interfrnd Exp-Utilities
542060	Improvements-Building

EXHIBIT "C"

TO THE COOPERATIVE AGREEMENT  
TO PROVIDE FIRE PROTECTION, FIRE PREVENTION, RESCUE  
AND MEDICAL AID FOR THE CITY OF MORENO VALLEY  
DATED \_\_\_\_\_, 2013

PAYMENT FOR SERVICES  
ADDITIONAL SERVICES  
FIRE ENGINE USE AGREEMENT

Station 2

Engine 02, RCO No. 08-868 \$ 19,200.00

Station 58

Engine 58, RCO No. 06-800 \$ 19,200.00

Station 65

Engine 65, RCO No. 94-826 \$ 19,200.00

\$ 57,600.00

The Fire Engine Use Agreement is utilized in the event that a fire engine(s) which was initially purchased by the CITY, and then the CITY elects to have the COUNTY take responsibility of said fire engine(s). The Fire Engine Use Agreement guarantees the CITY the use of this fire engine(s), the COUNTY network of equipment, and resources of the COUNTY.

This fire engine(s) shall be used as an integrated unit for Fire Services as set forth in this Cooperative Agreement between the COUNTY and CITY, and shall be stationed primarily in the CITY. The change in ownership of the fire engine does not waive or supersede any responsibilities of the CITY pursuant to this agreement. This exhibit is strictly to further detail for the CITY, the responsibilities and costs associated within the Cooperative Agreement between the COUNTY and CITY; therefore, the Fire Engine Use Agreement is inseparable.

The CITY will have the option of transferring title of said fire engine(s) to the COUNTY. If the CITY transfers title of said fire engine(s) to the County, the County will take ownership of the said fire engine(s), and the County will maintain insurance on said fire engine(s). If the CITY opts to maintain ownership and title of said fire

engine(s), the CITY will maintain insurance on said fire engine(s). Proof of Insurance is to be provided to the COUNTY.

The COUNTY will ensure a working fire engine(s) is available for the CITY at all times under this agreement. All capital improvements and/or betterments to the fire engine(s) listed above, will be the responsibility and paid for by the COUNTY under this Agreement.

When the Riverside County Fire Department Fleet personnel determine the fire engine(s) listed above is due for replacement, the COUNTY will purchase a new fire engine(s); and, survey the old fire engine(s).

The annual cost for this service is calculated at 1/20 of the replacement cost. The current replacement cost is \$384,000.00. If this Agreement is entered into mid-year, the annual cost will be prorated accordingly.

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**MINUTES - REGULAR MEETING OF MARCH 11, 2014  
(Report of: City Clerk Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.2**

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**MINUTES - REGULAR MEETING OF MARCH 11, 2014  
(Report of: City Clerk Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.2**

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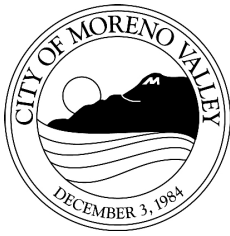


**MINUTES - REGULAR MEETING OF MARCH 11, 2014  
(Report of: City Clerk Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.2**

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Richard Teichert, Chief Financial Officer

**AGENDA DATE:** March 25, 2014

**TITLE:** PUBLIC HEARING ON THE FORMATION OF CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01

---

### **RECOMMENDED ACTION**

Recommendations: That the City Council:

1. Conduct the Public Hearing on the proposed formation of City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services).
2. Approve and Adopt Resolution No. 2014-25. A Resolution of the City Council of the City of Moreno Valley, California, Establishing City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) and Calling a Special Election in Connection with said District.
3. Direct staff to canvass the returned ballot and report the results of the special election to the City Council.
4. Acting as the legislative body of the City of Moreno Valley Community Facilities District No. 2014-01 Approve and Adopt Resolution No. 2014-26. A Resolution of the City Council of the City of Moreno Valley, California, Declaring the Results of an Election in City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services).
5. Introduce Ordinance No. 874. An Ordinance of the City Council of the City of Moreno Valley, California, Levying a Special Tax in Connection with City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) and Taking Certain Related Actions.

## **SUMMARY**

This report recommends that the City Council convene a Public Hearing, conduct a special election and approve two Resolutions and an Ordinance to form City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) ("CFD" or "CFD No. 2014-01").

## **DISCUSSION**

As development occurs in the City, projects are conditioned to provide a funding source for the ongoing maintenance and operation of the development's perimeter landscaping, medians and street lighting installed as part of the development. During its August 20, 2013 Study Session, the City Council discussed Best Management Practices for the City's special districts and the types of funding mechanisms public agencies can offer to developers and property owners as a means of satisfying the conditions of approval. It was discussed to begin utilizing and to initiate formation of a district under the Mello-Roos Community Facilities Act of 1982 in order to fund the ongoing maintenance services of improvements installed as part of the development. A community facilities district is a defined geographic area in which the City is authorized to levy annual special taxes to be used to pay the ongoing costs of providing specific municipal services, as well as to pay costs for administration of the district.

The developer of Tract 31618 (Frontier Communities) would like to satisfy the conditions of approval to provide a funding source for ongoing landscape maintenance and street light services (which are required to be installed as part of the development) by utilizing a funding mechanism offered by the City. This tract will be used as the initial tract to form the maintenance CFD as discussed during the August 20, 2013 Study Session.

At the February 11, 2014 meeting, the City Council adopted the Resolution of Intention (Resolution No. 2014-12) to establish CFD No. 2014-01. Approval of the Resolution of Intention ("ROI") was the first step in forming the maintenance CFD. The ROI established the initial boundaries of the CFD (Tract 31618) and required that the boundary map be recorded at the County Recorder's office. The boundary map was recorded at the County Recorder's office on February 20, 2014. The ROI and its exhibits describe the services that will be eligible to be funded by the CFD and set forth the rate and method of apportionment of special taxes (the "RMA") that will be authorized to be levied on property in the CFD. The City Council also set March 25, 2014 as the date for the Public Hearing for formation of the CFD.

The Maximum Special Tax for Taxable Property, as referenced in the RMA, is \$665.75 per year. The Maximum Special Tax will be subject to an annual inflation based on the change in the Consumer Price Index ("CPI") for All Urban Consumers for the Los Angeles-Riverside-Orange County Region as published by the Department of Labor's Bureau of Labor Statistics or five percent (5%), whichever is greater. Funds received from the special tax are restricted and can only be used for the purposes for which they are collected. In the event revenues exceed expenditures for this program, the special tax will be lowered.

During this meeting, the City Council will consider adoption of two Resolutions: a Resolution establishing CFD No. 2014-01 and calling for a special election in connection with said district; and a Resolution declaring the results of the special election in CFD No. 2014-01. Provided the election is successful, the City Council will also consider the first reading and introduction of an Ordinance authorizing the levy of a special tax in connection with CFD No. 2014-01 and taking certain related actions. The Ordinance will become effective 30 days after the second reading (scheduled for April 8, 2014), at which point the City can levy the Special Tax on the properties and the developer will have satisfied the condition to provide a funding source for the ongoing maintenance of the improvements installed as part of the development.

It is anticipated that additional new developments will request to annex into the CFD in the future as a way of satisfying their conditions of approval. Annexation proceedings to expand the boundary of the CFD will be conducted on an as needed basis to meet the needs of new development. The tax rate area created for CFD No. 2014-01 is based on the maintenance needs of Tract 31618. If new developments annexing into the CFD require a different level of service beyond what is outlined in the RMA, a new tax rate area will be established and the RMA will be amended as part of the future annexation proceedings. Any future tax rate areas will be applicable only to those property owners voting in the election process to annex into the CFD and for the tax rate specific to the services that are being provided; the new tax rate area will not be applicable to existing properties in the CFD absent a 2/3rds approval by those property owners.

### **ALTERNATIVES**

1. **Approve and adopt the proposed Resolutions** to form and establish CFD No. 2014-01 for ongoing maintenance of parkway landscaping and street lighting services for Tract 31618, conduct the special election, canvass the ballots, declare the results of the special election; and introduce the proposed Ordinance to authorize the levy of a special tax in CFD No. 2014-01. *This alternative is consistent with the concepts discussed during the August 20, 2013 Study Session and the Finance Subcommittee at its January 9, 2014 meeting. Formation of the CFD and approval of the special tax by the property owner will also satisfy the conditions of approval for development of Tract 31618 to provide ongoing funding for landscape maintenance and street lighting services.*
2. **Do not approve the proposed Resolutions** to form and establish CFD No. 2014-01 for ongoing maintenance of parkway landscaping and street lighting services for Tract 31618, conduct the special election, or introduce the proposed ordinance. *This alternative will be contrary to the concepts discussed by the City Council during the August 20, 2013 Study Session and the Finance Subcommittee at its January 9, 2014 meeting. Not forming the CFD will also limit the developer's options to providing a funding source for ongoing landscape maintenance and street lighting services required as part of the project's development.*

## **FISCAL IMPACT**

Consultant and third party costs associated with formation of the CFD are projected to be \$41,000, which includes a special tax consultant, special legal counsel, legal noticing publication, recording costs, etc. The developer was not charged for formation costs because this CFD is intended to serve as a maintenance district for future developments citywide. However, the developer did pay a \$3,375 Mail Ballot fee per the City's Fee Schedule. The difference will be absorbed within the Special Districts Administrative Fund 2006-30-79-25701.

The Maximum Special Tax, as described in the RMA, is \$665.75 for Taxable Property. The Maximum Special Tax will be subject to an annual inflation based on the change in the CPI for All Urban Consumers for the Los Angeles-Riverside-Orange County Region as published by the Department of Labor's Bureau of Labor Statistics or five percent (5%), whichever is greater. **The proposed Special Tax will fund the maintenance of perimeter landscaping and operation of street lights in Tract 31618 and have no impact on the General Fund.**

## **CITY COUNCIL GOALS**

### **Community Image, Neighborhood Pride, and Cleanliness**

Creation of a maintenance CFD provides developers and property owners with an alternative method in which to satisfy conditions of approval to provide a funding source for the maintenance of landscape improvements and operation of street lights within the City.

### **Revenue Diversification and Preservation**

Creation of a maintenance and service CFD provides developers and property owners with an opportunity to fund desired City services and secure the provision of those services. The CFD will further stabilize the revenue base for special district services and programs and is consistent with prudent financial practices.

## **NOTIFICATION**

Newspaper advertising for the March 25, 2014, Public Hearing was published in The Press-Enterprise on March 13, 2014 to give any persons interested, including persons owning property within the District, the opportunity to appear and present any matters relating to the proposed formation of the CFD. Publication in the newspaper satisfies the legal requirement to publish 7 days prior to the date of the Public Hearing.

## **ATTACHMENTS**

1. Proposed Resolution of the City Council of the City of Moreno Valley, California, Establishing City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) and Calling a Special Election in Connection with said District

2. Proposed Resolution of the City Council of the City of Moreno Valley, California, Declaring the Results of an Election in City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services)
3. Proposed Ordinance of the City Council of the City of Moreno Valley, California, Levying a Special Tax in Connection with City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) and Taking Certain Related Actions
4. CFD Report for Community Facilities District No. 2014-01
5. Boundary Map of City of Moreno Valley Community Facilities District No. 2014-01

Prepared by:  
Jennifer Terry,  
Management Analyst

Department Head Approval:  
Richard Teichert  
Chief Financial Officer

Concurred by:  
Candace E. Cassel,  
Special Districts Division Manager

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RESOLUTION NO. 2014-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) AND CALLING A SPECIAL ELECTION IN CONNECTION WITH SAID DISTRICT

WHEREAS, the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act") authorizes the City Council to establish a community facilities district to finance certain services within the district; and

WHEREAS, by its Resolution No. 2014-12, the City Council declared its intention to establish its City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) (the "CFD"); and

WHEREAS, the initial boundaries of the CFD encompass Tract 31618; and

WHEREAS, the CFD Administrator has studied the proposed CFD and filed a report with the City Council containing the information required by Section 53321.5 of the Act (the "Report"); and

WHEREAS, the Report is on file in the Office of the City Clerk and available for public inspection; and

WHEREAS, on March 25, 2014, at 6:00 PM, in the City Council Chambers located at 14177 Frederick Street, Moreno Valley, California 92553, the City Council held a public hearing on the establishment of the CFD; and

WHEREAS, notice of the hearing was published as required by law; and

WHEREAS, at the hearing the City Council heard the testimony of all interested persons or taxpayers for or against the establishment of the CFD, the extent of the CFD, or the furnishing of specified types of public services; and

WHEREAS, a majority protest does not exist pursuant to Section 53324 of the Act with respect to the establishment of the CFD or any aspect of the CFD; and

WHEREAS, the City Council now desires to establish the CFD.

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

1. Recitals. The above recitals are all true and correct.

1  
Resolution No. 2014-25  
Date Adopted: March 25, 2014

2. Establishment of CFD. The City Council hereby establishes the CFD pursuant to the Act.
3. Name of CFD. The CFD is designated “City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services).”
4. Boundaries of the CFD. The boundaries of the CFD are shown on the map entitled “Proposed Boundaries of City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services), City of Moreno Valley, County of Riverside, State of California”, which is on file in the office of the City Clerk and was recorded on February 20, 2014 in the Office of the Riverside County Recorder as page 76 of book 69 of the Book of Maps of Assessment and Community Facilities Districts.
5. Description of Services. The following is a general description of the services (the “Services”) to be provided:
  - A. Landscape Maintenance Services: Maintaining, servicing and operating landscape improvements and associated appurtenances located within the public right-of-way and within dedicated landscape easements for the CFD. These improvements may include but are not limited to parkways, medians, open space landscaping, fencing, monuments, ornamental lighting, drainage, turf, ground cover, shrubs, vines and trees, irrigation systems, and appurtenant facilities and structures. Fundable costs may include, but are not limited to: (i) contracting costs for landscape maintenance services, including litter removal, (ii) salaries and benefits of City staff, (iii) expenses related to equipment, apparatus, and supplies related to these services, (iv) City administrative and overhead costs associated with providing such services within the CFD, and (v) lifecycle costs associated with the repair and replacement of facilities.
  - B. Street Lighting Services: Maintaining, servicing and operating street lights and appurtenant improvements. Fundable costs may include, but are not limited to: (i) contracting costs for street light maintenance, (ii) salaries and benefits of City staff, if the City directly provides street light maintenance services, (iii) utility expenses and the expense related to equipment, apparatus, and supplies related to these services and authorized by the Act, (iv) City administrative and overhead costs associated with providing such services for the CFD, and (v) lifecycle costs associated with the repair and replacement of facilities.

These services are in addition to those provided in the territory within the CFD prior to the establishment of the CFD and such Services will not supplant services already available within the territory.

2  
Resolution No. 2014-25  
Date Adopted: March 25, 2014

6. Special Tax. Subject to voter approval, except where funds are otherwise available, a special tax sufficient to pay for the Services, secured by recordation of a continuing lien against all nonexempt real property in the CFD, will be annually levied within the CFD (the "Special Tax"). Under no circumstances will the special tax levied in any fiscal year against any parcel be increased as a consequence of delinquency or default by the owner or owners of any other parcel or parcels within the CFD by more than 10 percent above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults. A complete description of the rate and method of apportionment of the Special Tax is attached hereto as Exhibit "B" and incorporated herein. The Special Tax will also fund the administrative expenses of the CFD, as described in Exhibit "B".

The Special Tax will be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for ad valorem taxes. Notwithstanding the forgoing, any Special Taxes that cannot be collected on the County tax roll, or are not so collected, may be collected through direct billing by the City.

7. Accountability Measures. The Special Tax will be subject to the following accountability measures:
- (i) Proceeds of the Special Tax will be deposited in a special account and used only for the purpose of financing the costs identified in Section 5 of this Resolution; and
  - (ii) An annual report will be filed by the Special Districts Division of the Financial and Management Services Department of the City at least once a year containing a description of the amount of funds in the Special Account and the status of any costs identified in Section 4 of this Resolution.
8. Administration. The Financial and Management Services Department, which is located at 14177 Frederick Street, Moreno Valley, California 92553 and can be telephoned at 951.413.3480 will be responsible for annually preparing a current roll of special tax levy obligations by assessor's parcel number and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.
9. Validity of Proceedings. The City Council finds that all proceedings taken in connection with the establishment of the CFD have been valid and in conformity with the requirements of the Act. Pursuant to Section 53325.1(b) of the Act, this finding is final and conclusive.
10. Appropriations Limit. The City Council proposes to establish an appropriations limit for the CFD, pursuant to Article XIIB, Section 8(h) of the California

3  
Resolution No. 2014-25  
Date Adopted: March 25, 2014

Constitution, at \$100 Million (the "Appropriations Limit"). Such limit shall be adjusted for changes in the cost of living, or changes in population, pursuant to Section 53325.7 of the Act.

11. Election. A special election of the CFD is hereby called for March 25, 2014 (the "Election"). The Election shall be held in the City Council Chambers located at 14177 Frederick Street, Moreno Valley, California 92553 immediately following the adoption of this Resolution, and closing fifteen minutes after the adoption of this Resolution. However, the City Clerk may close the Election at any earlier time if all the qualified voters have voted. All time limits specified in Section 53326 of the Act, analysis, arguments and all requirements of law pertaining to the conduct of the Election have been waived by unanimous written consent to such waiver from the qualified electors of the CFD. The City Clerk, as elections official, will conduct the election and has concurred with such waiver. The City Clerk may close the election and canvass the ballots once all ballots have been received. The vote will be by the landowners of the CFD, and each landowner of the CFD who is the owner of record at the close of the Hearing, or is the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that he or she owns within the CFD. The City Council determines that the identities of the landowners of the CFD (and the number of acres, or portions thereof, of land in the CFD that is owned by each such landowner) is as set forth in Exhibit "A" to this Resolution, which is attached hereto and incorporated herein by reference.
12. Ballot Measure. The levy of the Special Tax, and the establishment of the Appropriations Limit, are hereby submitted to the qualified electors of the CFD at the Election. The question to be put to the qualified electors shall be as set forth below:

"Subject to accountability measures set forth in the resolution establishing City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) (the "CFD") shall an annual special tax be levied as set forth in such resolution, against each parcel of real property within the CFD to fund certain landscape maintenance services and street lighting services, as well as administrative expenses of the CFD, and shall the appropriations limit for said CFD be established at \$100 Million?"
13. Conduct of Election. The City Clerk is authorized to take all actions necessary for the conduct of the Election.
14. Notice of Special Tax Lien. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the Special Tax shall attach to all nonexempt real property in the CFD and this lien shall continue in force and effect until collection of the tax

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Resolution No. 2014-25  
Date Adopted: March 25, 2014

by the legislative body ceases. The special tax may not be prepaid, and is a perpetual annual tax.

15. Severability. If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declares invalid or unconstitutional.
16. Effective Date. This Resolution shall be effective immediately upon adoption.
17. Certification. The City Clerk shall certify to the adoption of this Resolution, and shall maintain on file as a public record this Resolution.

APPROVED AND ADOPTED this 25<sup>th</sup> day of March, 2014

\_\_\_\_\_  
Mayor of the City of Moreno Valley

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

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Resolution No. 2014-25  
Date Adopted: March 25, 2014

**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. 2014-25 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 25<sup>th</sup> day of March, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

Resolution No. 2014-25<sup>6</sup>  
Date Adopted: March 25, 2014

OWNER AND PARCEL INFORMATION FOR  
CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT 2014-01 ELECTION

APN	OWNER	ACREAGE	APN	OWNER	ACREAGE
488-370-001	FH II	0.24	488-370-029	FH II	0.30
488-370-002	FH II	0.25	488-370-030	FH II	0.30
488-370-003	FH II	0.25	488-370-031	FH II	0.29
488-370-004	FH II	0.25	488-370-032	FH II	0.26
488-370-005	FH II	0.25	488-370-033	FH II	0.27
488-370-006	FH II	0.23	488-371-001	FH II	0.23
488-370-007	FH II	0.23	488-371-002	FH II	0.23
488-370-008	FH II	0.23	488-371-003	FH II	0.23
488-370-009	FH II	0.23	488-371-004	FH II	0.23
488-370-010	FH II	0.23	488-371-005	FH II	0.23
488-370-011	FH II	0.23	488-371-006	FH II	0.23
488-370-012	FH II	0.23	488-371-007	FH II	0.23
488-370-013	FH II	0.23	488-371-008	FH II	0.25
488-370-014	FH II	0.23	488-371-009	FH II	0.29
488-370-015	FH II	0.23	488-371-010	FH II	0.23
488-370-016	FH II	0.23	488-371-011	FH II	0.23
488-370-017	FH II	0.23	488-371-012	FH II	0.23
488-370-018	FH II	0.26	488-371-013	FH II	0.32
488-370-019	FH II	0.26	488-371-014	FH II	0.23
488-370-020	FH II	0.29	488-371-015	FH II	0.23
488-370-021	FH II	0.30	488-371-016	FH II	0.26
488-370-022	FH II	0.30	488-371-017	FH II	0.23
488-370-023	FH II	0.29	488-371-018	FH II	0.31
488-370-024	FH II	0.26	488-371-019	FH II	0.23
488-370-025	FH II	0.27	488-371-020	FH II	0.30
488-370-026	FH II	0.27	488-371-021	FH II	0.25
488-370-027	FH II	0.26	488-371-022	FH II	0.27
488-370-028	FH II	0.29	488-371-023	FH II	0.23

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Resolution No. 2014-25  
Date Adopted: March 25, 2014



## CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

---

A Special Tax for the City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) (the "CFD") shall be levied on all Assessor's Parcels in the CFD and collected each Fiscal Year commencing in Fiscal Year 2014/15 in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

### A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

**"Act"** means the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*).

**"Administrative Expenses"** means the expenses incurred by the City as administrator of the CFD to determine, levy and collect the Special Taxes, including salaries and benefits of City employees whose duties are related to administration of the CFD and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes, preparation of required reports; and any other costs required to administer the CFD as determined by the City.

**"Annual Escalation Factor"** means the greater of the increase in the annual percentage change in the Consumer Price Index (CPI) for All Urban Consumers for the Los Angeles-Riverside-Orange County Region as published by the Department of Labor's Bureau of Labor Statistics or five percent (5%). If the CPI for the Los Angeles-Riverside-Orange County area is discontinued, the CFD administrator may replace it with a similar index for the purposes of calculating the Annual Escalation Factor.

**"Assessor's Parcel" or "Parcel"** means a lot or parcel shown on the official map of the Riverside County Assessor designating parcels by assessor's parcel number.

**"Base Year"** means Fiscal Year 2014-15.

**"CFD Administrator"** means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and administering the levy and collection of the Special Taxes.

**"CFD"** means City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services).



“**City**” means the City of Moreno Valley.

“**Fiscal Year**” means the period starting July 1 and ending the following June 30.

“**Lot**” means property within a recorded Final Map, which is identified by a lot number for which a building permit could be issued.

“**Maximum Special Tax**” means the maximum Special Tax, determined in accordance with Section C below that can be levied in the CFD in any Fiscal Year on any Assessor’s Parcel.

“**Property Owner Association Property**” means any property within the boundaries of the CFD that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to a property owner association, including any master or sub-association.

“**Proportionately**” means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels within each Land Use Class within each Tax Rate Area.

“**Public Property**” means any property within the boundaries of the CFD that is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency and is used for public purposes.

“**Special Tax**” means the Special Tax to be levied in each Fiscal Year on each Assessor’s Parcel of Taxable Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

“**Special Tax Requirement**” means, for each Tax Rate Area separately, the amount required in any Fiscal Year to: (i) pay for the services financed by the CFD; (ii) pay Administrative Expenses; (iii) pay any amounts required to establish or replenish any Reserve Funds; and (iv) pay for anticipated delinquent Special Taxes (not to exceed 10% of total requirement) less any surplus of funds available from the previous Fiscal Year’s Special Tax levy.

“**State**” means the State of California.

“**Taxable Property**” means all of the Assessor’s Parcels within the boundaries of the CFD other than Public Property, Property Owner Association Property, or property exempted by law from the Special Tax.

“**Tax-Exempt Property**” means an Assessor’s Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, and (iii) property owned in common.

“**Tax Rate Area**” means a mutually exclusive geographic area in which the Special Tax may be levied pursuant to this RMA. All of the property in the CFD at the time of formation is within Tax Rate Area No. 1. Additional Tax Rate Areas may be created when property is annexed into the CFD, and a separate Special Tax, is identified for property within the new Tax Rate Area at the time of such annexation.

## **B. MAXIMUM SPECIAL TAX RATES**

### **1. Tax Rate Area No. 1**

The Maximum Special Tax for Taxable Property in Tax Rate Area No. 1 will be \$665.75 per Lot

On each July 1 following the Base Year, the Maximum Special Tax rates shall be increased in accordance with the Annual Escalation Factor.

A different Maximum Special Tax shall be identified for Tax Rate Areas added to the CFD as a result of future annexations.

### **2. Tax-Exempt Property**

No Special Tax shall be levied on Tax-Exempt Property.

## **C. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

Commencing with Fiscal Year 2014/15 and for each following Fiscal Year, the CFD Administrator shall, separately within each Tax Rate Area, levy the Special Tax Proportionately on each Assessor’s Parcel, whether Developed or Undeveloped, within that Tax Rate Area at up to 100% of the applicable Maximum Special Tax until the amount levied is equal to the Special Tax Requirement assigned to that Tax Rate Area in that Fiscal Year.

## **D. APPEALS**

Any taxpayer that believes that the amount of the Special Tax assigned to a Parcel is in error may file a written notice with the CFD Administrator appealing the levy of the Special Tax. This notice is required to be filed with the CFD Administrator during the Fiscal Year the error is believed to have occurred. The CFD Administrator or its designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the CFD Administrator verifies that the tax should be changed the Special Tax levy shall be corrected and, if applicable, a refund shall be granted.

The City Council may interpret this Rate and Method of Apportionment for purposes of clarifying any ambiguity and make determinations relative to the annual administration of the

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Resolution No. 2014-25  
Date Adopted: March 25, 2014

Special Tax and any landowner appeals. Any decision of the City Council shall be final and binding as to all persons.

#### **E. MANNER OF COLLECTION**

The Special Tax as levied pursuant to Section D above and shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; however, the CFD Administrator may directly bill the Special Tax or collect Special Taxes at a different time, if necessary, to meet the financial obligations of the CFD as otherwise determined appropriate by the CFD Administrator.

The Special Tax shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes.

#### **F. PREPAYMENT OF SPECIAL TAX OBLIGATION**

The Special Tax may not be prepaid.

#### **G. TERM OF SPECIAL TAX**

Taxable Property in the CFD shall remain subject to the Special Tax in perpetuity or until the City Council takes appropriate actions to terminate the Special Tax pursuant to the Act.

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Resolution No. 2014-25  
Date Adopted: March 25, 2014

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RESOLUTION NO. 2014-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DECLARING THE RESULTS OF AN ELECTION IN CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES)

WHEREAS, the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the "Act") authorizes the City Council to establish a community facilities district to finance certain services within the district; and

WHEREAS, by its prior resolution, the City Council established its City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) (the "CFD") and called a landowner mail-ballot election in connection with the CFD (the "Election"); and

WHEREAS, at the Election, the following question was presented to the voters: "Subject to accountability measures set forth in the resolution establishing City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) (the "CFD") shall an annual special tax be levied as set forth in such resolution, against each parcel of real property within the CFD to fund certain landscape maintenance services and street lighting services, as well as administrative expenses of the CFD, and shall the appropriations limit for said CFD be established at \$100 Million?" (the "Measure"); and

WHEREAS, with the unanimous consent of the landowners in the CFD and of the City Clerk, as elections official, all time limits specified in Section 53326 of the Act and all requirements of law pertaining to the conduct of the Election have been waived; and

WHEREAS, having received ballots from all qualified voters, the Election was closed by the City Clerk; and

WHEREAS, the City Clerk has canvassed the ballots and the City Council now desires to declare and certify the results of the Election.

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

1. Recitals. The above recitals are all true and correct.
2. Canvass. The canvass of the City Clerk, which is on file in the office of the City Clerk and incorporated herein by reference, is hereby approved.

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Resolution No. 2014-26  
Date Adopted: March 25, 2014

3. Election Results. Pursuant to Section 53328 and 53328.3 of the Act, the City Council determines that the requisite two-thirds of votes cast in the Special Election approved the Measure.
4. Severability. If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declares invalid or unconstitutional.
5. Effective Date. This Resolution shall be effective immediately upon adoption.
6. Certification. The City Clerk shall certify to the adoption of this Resolution, and shall maintain on file as a public record this Resolution.

APPROVED AND ADOPTED this 25<sup>th</sup> day of March, 2014

\_\_\_\_\_  
Mayor of the City of Moreno Valley

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

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Resolution No. 2014-26  
Date Adopted: March 25, 2014

**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. 2014-26 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 25<sup>th</sup> day of March, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

Resolution No. 2014-26<sup>3</sup>  
Date Adopted: March 25, 2014

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ORDINANCE NO. 874

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, LEVYING A SPECIAL TAX IN CONNECTION WITH CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) AND TAKING CERTAIN RELATED ACTIONS

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

SECTION 1. FINDINGS.

- A. The Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*) (the “Act”) authorizes the City Council to establish a community facilities district to finance certain services within the district.
- B. By its prior resolution, the City Council established its City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) (the “CFD”).
- C. By its prior resolution, the City Council declared and certified the results of an election at which the landowners of the CFD approved a special tax in connection with the CFD (the “Special Tax”) and an appropriations limit for the CFD.
- D. City Council now desires to levy and impose the Special Tax and to take other related actions.

SECTION 2. LEVY OF SPECIAL TAX.

The annual Special Tax is levied pursuant to Section 53340 of the Act against all non-exempt parcels of real property within the CFD. The rate and method of apportionment of the Special Tax are described in Exhibit “A” to this Ordinance, which is incorporated herein by reference (the “Rate and Method of Apportionment”).

The Special Tax will be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for ad valorem taxes. Notwithstanding the forgoing, any Special Taxes that cannot be collected on the County tax roll, or are not so collected, may be collected through direct billing by the City.

Under no circumstances will the special tax levied in any fiscal year against any parcel be increased as a consequence of delinquency or default by the owner or owners of any other parcel or parcels within the CFD by more than 10 percent above the

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Ordinance No. 874  
Date Adopted: April 8, 2014

amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults. This tax may not be prepaid.

### SECTION 3. USE OF TAX.

In addition to the administrative expenses described in the Rate and Method of Apportionment, proceeds of the Special Tax may be used to fund:

- A. Landscape Maintenance Services: Maintaining, servicing and operating landscape improvements and associated appurtenances located within the public right-of-way and within dedicated landscape easements for the CFD. These improvements may include but are not limited to parkways, medians, open space landscaping, fencing, monuments, ornamental lighting, drainage, turf, ground cover, shrubs, vines and trees, irrigation systems, and appurtenant facilities and structures. Fundable costs may include, but are not limited to: (i) contracting costs for landscape maintenance services, including litter removal, (ii) salaries and benefits of City staff, (iii) expenses related to equipment, apparatus, and supplies related to these services, (iv) City administrative and overhead costs associated with providing such services within the CFD, and (v) lifecycle costs associated with the repair and replacement of facilities.
- B. Street Lighting Services: Maintaining, servicing and operating street lights and appurtenant improvements. Fundable costs may include, but are not limited to: (i) contracting costs for street light maintenance, (ii) salaries and benefits of City staff, if the City directly provides street light maintenance services, (iii) utility expenses and the expense related to equipment, apparatus, and supplies related to these services and authorized by the Act, (iv) City overhead costs associated with providing such services for the CFD, and (v) lifecycle costs associated with the repair and replacement of facilities.

These services are in addition to those provided in the territory within the CFD prior to the establishment of the CFD and such Services will not supplant services already available within the territory.

### SECTION 4. ACCOUNTABILITY MEASURES.

The Special Tax will be subject to the following accountability measures:

- (i) Proceeds of the Special Tax will be deposited in a special account and used only for the purpose of financing the costs identified in Section 5 of this Ordinance; and
- (ii) An annual report will be filed by the Special Districts Division of the Financial and Management Services Department of the City at least once a year containing a description of the amount of funds in the Special Account and the status of any costs identified in Section 3 of this Ordinance.

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Ordinance No. 874  
Date Adopted: April 8, 2014

SECTION 5. ADMINISTRATION.

The Special Districts Division of the Financial and Management Services Department, which is located at 14177 Frederick Street, Moreno Valley, California 92553 and can be telephoned at 951.413.3480 will be responsible for annually preparing a current roll of special tax levy obligations by assessor's parcel number and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

SECTION 6. APPROPRIATIONS LIMIT.

The City Council establishes an appropriations limit for the CFD, pursuant to Article XIII B, Section 8(h) of the California Constitution, at \$100 Million. Such limit shall be adjusted for changes in the cost of living, or changes in population, pursuant to Section 53325.7 of the Act.

SECTION 7. NOTICE OF SPECIAL TAX LIEN.

Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the Special Tax shall attach to all nonexempt real property in the CFD and this lien shall continue in force and effect until collection of the tax by the legislative body ceases. The recordation of such notice is directed by the Council.

SECTION 8. INTERPRETATION.

The CFD Administrator is authorized to issue such interpretations of this Ordinance as he or she feels is necessary or useful to administer the Special Tax. Any such interpretations may be ratified or disapproved by resolution of the City Council, but shall be treated as official interpretations in the absence of Council action.

SECTION 9. CORRECTION OF ERRORS.

If a Special Tax is calculated or applied in error with respect to a parcel, the CFD Administrator is authorized to modify or correct the Special Tax applied, and to issue a credit or refund as appropriate. The CFD Administrator will respond in writing to any written request from a taxpayer for a modification or correction. Any such written response may be appealed by the taxpayer through the filing of a claim following the normal claims procedures of the City.

SECTION 10. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent

jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

SECTION 11. EFFECT OF ENACTMENT.

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 12. NOTICE OF ADOPTION.

Within fifteen days after the date of 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 13. EFFECTIVE DATE.

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 8<sup>th</sup> day of April, 2014.

\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

City Attorney

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Ordinance No. 874  
Date Adopted: April 8, 2014

**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. 874 had its first reading on March 25, 2014 and had its second reading on April 8, 2014, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 8<sup>th</sup> day of April, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

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CITY CLERK

(SEAL)

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Ordinance No. 874  
Date Adopted: April 8, 2014



## CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

---

A Special Tax for the City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) (the "CFD") shall be levied on all Assessor's Parcels in the CFD and collected each Fiscal Year commencing in Fiscal Year 2014/15 in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

### A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

**"Act"** means the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*).

**"Administrative Expenses"** means the expenses incurred by the City as administrator of the CFD to determine, levy and collect the Special Taxes, including salaries and benefits of City employees whose duties are related to administration of the CFD and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes, preparation of required reports; and any other costs required to administer the CFD as determined by the City.

**"Annual Escalation Factor"** means the greater of the increase in the annual percentage change in the Consumer Price Index (CPI) for All Urban Consumers for the Los Angeles-Riverside-Orange County Region as published by the Department of Labor's Bureau of Labor Statistics or five percent (5%). If the CPI for the Los Angeles-Riverside-Orange County area is discontinued, the CFD administrator may replace it with a similar index for the purposes of calculating the Annual Escalation Factor.

**"Assessor's Parcel" or "Parcel"** means a lot or parcel shown on the official map of the Riverside County Assessor designating parcels by assessor's parcel number.

**"Base Year"** means Fiscal Year 2014-15.

**"CFD Administrator"** means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and administering the levy and collection of the Special Taxes.

**"CFD"** means City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services).

“**City**” means the City of Moreno Valley.

“**Fiscal Year**” means the period starting July 1 and ending the following June 30.

“**Lot**” means property within a recorded Final Map, which is identified by a lot number for which a building permit could be issued.

“**Maximum Special Tax**” means the maximum Special Tax, determined in accordance with Section C below that can be levied in the CFD in any Fiscal Year on any Assessor’s Parcel.

“**Property Owner Association Property**” means any property within the boundaries of the CFD that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to a property owner association, including any master or sub-association.

“**Proportionately**” means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels within each Land Use Class within each Tax Rate Area.

“**Public Property**” means any property within the boundaries of the CFD that is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency and is used for public purposes.

“**Special Tax**” means the Special Tax to be levied in each Fiscal Year on each Assessor’s Parcel of Taxable Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

“**Special Tax Requirement**” means, for each Tax Rate Area separately, the amount required in any Fiscal Year to: (i) pay for the services financed by the CFD; (ii) pay Administrative Expenses; (iii) pay any amounts required to establish or replenish any Reserve Funds; and (iv) pay for anticipated delinquent Special Taxes (not to exceed 10% of total requirement) less any surplus of funds available from the previous Fiscal Year’s Special Tax levy.

“**State**” means the State of California.

“**Taxable Property**” means all of the Assessor’s Parcels within the boundaries of the CFD other than Public Property, Property Owner Association Property, or property exempted by law from the Special Tax.

“**Tax-Exempt Property**” means an Assessor’s Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, and (iii) property owned in common.

“**Tax Rate Area**” means a mutually exclusive geographic area in which the Special Tax may be levied pursuant to this RMA. All of the property in the CFD at the time of formation is within Tax Rate Area No. 1. Additional Tax Rate Areas may be created when property is annexed into the CFD, and a separate Special Tax, is identified for property within the new Tax Rate Area at the time of such annexation.

## **B. MAXIMUM SPECIAL TAX RATES**

### **1. Tax Rate Area No. 1**

The Maximum Special Tax for Taxable Property in Tax Rate Area No. 1 will be \$665.75 per Lot

On each July 1 following the Base Year, the Maximum Special Tax rates shall be increased in accordance with the Annual Escalation Factor.

A different Maximum Special Tax shall be identified for Tax Rate Areas added to the CFD as a result of future annexations.

### **2. Tax-Exempt Property**

No Special Tax shall be levied on Tax-Exempt Property.

## **C. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

Commencing with Fiscal Year 2014/15 and for each following Fiscal Year, the CFD Administrator shall, separately within each Tax Rate Area, levy the Special Tax Proportionately on each Assessor’s Parcel, whether Developed or Undeveloped, within that Tax Rate Area at up to 100% of the applicable Maximum Special Tax until the amount levied is equal to the Special Tax Requirement assigned to that Tax Rate Area in that Fiscal Year.

## **D. APPEALS**

Any taxpayer that believes that the amount of the Special Tax assigned to a Parcel is in error may file a written notice with the CFD Administrator appealing the levy of the Special Tax. This notice is required to be filed with the CFD Administrator during the Fiscal Year the error is believed to have occurred. The CFD Administrator or its designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the CFD Administrator verifies that the tax should be changed the Special Tax levy shall be corrected and, if applicable, a refund shall be granted.

The City Council may interpret this Rate and Method of Apportionment for purposes of clarifying any ambiguity and make determinations relative to the annual administration of the



Special Tax and any landowner appeals. Any decision of the City Council shall be final and binding as to all persons.

#### **E. MANNER OF COLLECTION**

The Special Tax as levied pursuant to Section D above and shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; however, the CFD Administrator may directly bill the Special Tax or collect Special Taxes at a different time, if necessary, to meet the financial obligations of the CFD as otherwise determined appropriate by the CFD Administrator.

The Special Tax shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for *ad valorem* taxes.

#### **F. PREPAYMENT OF SPECIAL TAX OBLIGATION**

The Special Tax may not be prepaid.

#### **G. TERM OF SPECIAL TAX**

Taxable Property in the CFD shall remain subject to the Special Tax in perpetuity or until the City Council takes appropriate actions to terminate the Special Tax pursuant to the Act.

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# CITY OF MORENO VALLEY CFD REPORT

COMMUNITY FACILITIES DISTRICT NO. 2014-01  
(MAINTENANCE SERVICES)



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## INTRODUCTION

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WHEREAS, the City Council of the City of Moreno Valley (hereinafter referred to as the “City Council”), in the State of California, did, pursuant to the terms and provisions of Chapter 2.5 of Part 1, of Division 2, of Title 5 of the Government Code of the State of California, as amended (the “Act”), adopt a Resolution of Intention (Resolution No. 2014-12) for the proposed formation of Community Facilities District No. 2014-01 (Maintenance Services), hereinafter referred to as the “CFD”;

WHEREAS, in the Resolution of Intention, the City Council directed the CFD Administrator to study the proposed CFD and, at or before the time of the Hearing, to file a report with the City Council containing the information required by Section 53321.5 of the Act;

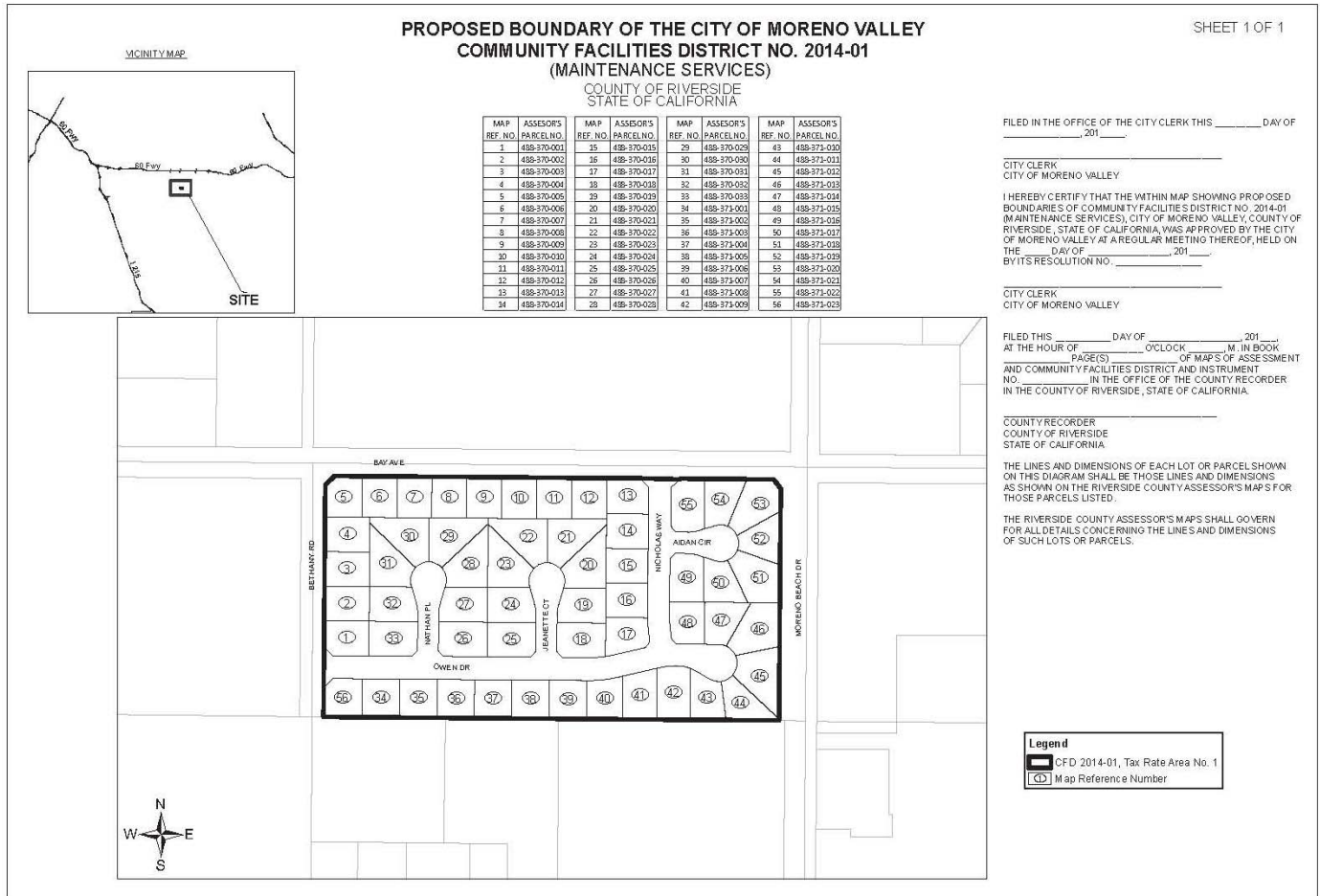
WHEREAS, this CFD Report (“Report”) is being provided to the City Council and generally contains the following:

- a brief description of the CFD services which are required to adequately meet the needs of the CFD,
- the estimate of the cost of providing those services,
- The rate and method of apportionment of the Special Tax in sufficient detail to allow each property owner within the proposed CFD to calculate the Maximum Special Tax that may be levied against their property;

NOW THEREFORE, Willdan Financial Services, the appointed responsible firm directed to prepare the Report, pursuant to the provisions of the Act, does hereby submit the Report.

## DISTRICT BOUNDARIES

The CFD is located south of Bay Ave, east of Bethany Rd, and west of Moreno Beach Dr, and encompasses Assessor's Parcel Numbers 488-370-001 through 488-370-033 and 488-371-001 through 488-371-023 (Tax Rate Area No. 1). The following shows the proposed boundary of the CFD:



Additional territory within the City of Moreno Valley may be annexed into the CFD in the future as part of Tax Rate Area No. 1 or as separate Tax Rate Areas.

## **DESCRIPTION OF SERVICES AND IMPROVEMENTS**

---

The services (the “Services”) described below are proposed to be financed by CFD. Nothing in this description of services or any Resolution of the City Council shall be construed as committing the City or the CFD to provide all of the authorized Services. The provision of Services shall be subject to the successful formation of the CFD and the availability of sufficient proceeds of special taxes within the CFD.

### **LANDSCAPE MAINTENANCE SERVICES**

Maintaining, servicing and operating landscape improvements and associated appurtenances located within the public right-of-way and within dedicated landscape easements for the CFD. These improvements may include but are not limited to parkways, medians, open space landscaping, fencing, monuments, ornamental lighting, drainage, turf, ground cover, shrubs, vines and trees, irrigation systems, and appurtenant facilities and structures. Fundable costs may include, but are not limited to: (i) contracting costs for landscape maintenance services, including litter removal, (ii) salaries and benefits of City staff, (iii) expenses related to equipment, apparatus, and supplies related to these services, (iv) City administrative and overhead costs associated with providing such services within the CFD, and (v) lifecycle costs associated with the repair and replacement of facilities.

### **STREET LIGHTING SERVICES**

Maintaining, servicing and operating street lights and appurtenant improvements. Fundable costs may include, but are not limited to: (i) contracting costs for street light maintenance, (ii) salaries and benefits of City staff, if the City directly provides street light maintenance services, (iii) utility expenses and the expense related to equipment, apparatus, and supplies related to these services and authorized by the Act, (iv) City administrative and overhead costs associated with providing such services for the CFD, and (v) lifecycle costs associated with the repair and replacement of facilities.

These Services are in addition to those provided in the territory within the CFD prior to the establishment of the CFD and such Services will not supplant services already available within the CFD.

Additional services may be provided to territory annexed to the CFD in the future. Services provided in territory annexed to the CFD in the future may or may not include landscape maintenance services or street lighting services as described above.

## COST ESTIMATE

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The CFD is being formed to mitigate the financial impact of providing landscape maintenance services and street lighting services appurtenant to the CFD or created by new development within the CFD. It is estimated that special tax revenues generated from the CFD will generate revenue to cover the overall cost of implementing these Services for the CFD.

The budget below represents the estimated annual cost of providing these Services for the CFD Tax Rate Area No. 1.

Budget Items	Estimated FY 2014/15 Costs
Landscape Repair and Replacement	\$13,310.47
Landscape Electric	610.20
Landscape Water	3,681.54
<b>Subtotal Landscaping Costs</b>	<b>\$17,602.21</b>
25 - 9,500 lumen poles	\$5,038.75
3 - 22,000 lumen poles	604.65
<b>Subtotal Street Lighting Costs</b>	<b>\$5,643.40</b>
Personnel/Overhead	\$13,059.33
Professional Fees	171.25
County Fees	140.25
<b>Subtotal Administration Costs</b>	<b>\$13,370.83</b>
<b>Total FY 2014/15 Special Tax</b>	<b>\$36,616.44</b>

The Special Tax was calculated as the amount necessary to pay for the CFD Tax Rate Area No. 1 Services, which are in addition to the services already provided to the area, if any, before the CFD was created. For details concerning the calculation of the Special Tax, reference is made to the Rate and Method of Apportionment of Special Tax outlined in the following section.

It is anticipated that territory annexed to the CFD in the future will require services that are specific to the annexation area. As such, the amount of the Special Tax may differ for each Tax Rate Area annexed into the CFD in the future.



## **RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX**

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A Special Tax for the City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) (the “CFD”) shall be levied on all Assessor's Parcels in the CFD and collected each Fiscal Year commencing in Fiscal Year 2014/15 in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

### **A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

“**Act**” means the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 *et seq.*).

“**Administrative Expenses**” means the expenses incurred by the City as administrator of the CFD to determine, levy and collect the Special Taxes, including salaries and benefits of City employees whose duties are related to administration of the CFD and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes, preparation of required reports; and any other costs required to administer the CFD as determined by the City.

“**Annual Escalation Factor**” means the greater of the increase in the annual percentage change in the Consumer Price Index (CPI) for All Urban Consumers for the Los Angeles-Riverside-Orange County Region as published by the Department of Labor's Bureau of Labor Statistics or five percent (5%). If the CPI for the Los Angeles-Riverside-Orange County area is discontinued, the CFD administrator may replace it with a similar index for the purposes of calculating the Annual Escalation Factor.

“**Assessor's Parcel**” or “**Parcel**” means a lot or parcel shown on the official map of the Riverside County Assessor designating parcels by assessor's parcel number.

“**Base Year**” means Fiscal Year 2014-15.

“**CFD Administrator**” means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and administering the levy and collection of the Special Taxes.

“**CFD**” means City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services).

“**City**” means the City of Moreno Valley.

“**Fiscal Year**” means the period starting July 1 and ending the following June 30.

“**Lot**” means property within a recorded Final Map, which is identified by a lot number for which a building permit could be issued.

“**Maximum Special Tax**” means the maximum Special Tax, determined in accordance with Section C below that can be levied in the CFD in any Fiscal Year on any Assessor's Parcel.

“**Property Owner Association Property**” means any property within the boundaries of the CFD that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to a property owner association, including any master or sub-association.

“**Proportionately**” means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels within each Land Use Class within each Tax Rate Area.

“**Public Property**” means any property within the boundaries of the CFD that is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency and is used for public purposes.

“**Special Tax**” means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

“**Special Tax Requirement**” means, for each Tax Rate Area separately, the amount required in any Fiscal Year to: (i) pay for the services financed by the CFD; (ii) pay Administrative Expenses; (iii) pay any amounts required to establish or replenish any Reserve Funds; and (iv) pay for anticipated delinquent Special Taxes (not to exceed 10% of total requirement) less any surplus of funds available from the previous Fiscal Year's Special Tax levy.

“**State**” means the State of California.

“**Taxable Property**” means all of the Assessor's Parcels within the boundaries of the CFD other than Public Property, Property Owner Association Property, or property exempted by law from the Special Tax.

“**Tax-Exempt Property**” means an Assessor's Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, and (iii) property owned in common.

“**Tax Rate Area**” means a mutually exclusive geographic area in which the Special Tax may be levied pursuant to this RMA. All of the property in the CFD at the time of formation is within Tax Rate Area No. 1. Additional Tax Rate Areas may be created when property is

annexed into the CFD, and a separate Special Tax, is identified for property within the new Tax Rate Area at the time of such annexation.

## **B. MAXIMUM SPECIAL TAX RATES**

### **1. Tax Rate Area No. 1**

The Maximum Special Tax for Taxable Property in Tax Rate Area No. 1 will be \$665.75 per Lot.

On each July 1 following the Base Year, the Maximum Special Tax rates shall be increased in accordance with the Annual Escalation Factor.

A different Maximum Special Tax shall be identified for Tax Rate Areas added to the CFD as a result of future annexations.

### **2. Tax-Exempt Property**

No Special Tax shall be levied on Tax-Exempt Property.

## **C. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

Commencing with Fiscal Year 2014/15 and for each following Fiscal Year, the CFD Administrator shall, separately within each Tax Rate Area, levy the Special Tax Proportionately on each Assessor's Parcel, whether Developed or Undeveloped, within that Tax Rate Area at up to 100% of the applicable Maximum Special Tax until the amount levied is equal to the Special Tax Requirement assigned to that Tax Rate Area in that Fiscal Year.

## **D. APPEALS**

Any taxpayer that believes that the amount of the Special Tax assigned to a Parcel is in error may file a written notice with the CFD Administrator appealing the levy of the Special Tax. This notice is required to be filed with the CFD Administrator during the Fiscal Year the error is believed to have occurred. The CFD Administrator or its designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the CFD Administrator verifies that the tax should be changed the Special Tax levy shall be corrected and, if applicable, a refund shall be granted.

The City Council may interpret this Rate and Method of Apportionment for purposes of clarifying any ambiguity and make determinations relative to the annual administration of the Special Tax and any landowner appeals. Any decision of the City Council shall be final and binding as to all persons.

#### **E. MANNER OF COLLECTION**

The Special Tax as levied pursuant to Section D above and shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; however, the CFD Administrator may directly bill the Special Tax or collect Special Taxes at a different time, if necessary, to meet the financial obligations of the CFD as otherwise determined appropriate by the CFD Administrator.

The Special Tax shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes.

#### **F. PREPAYMENT OF SPECIAL TAX OBLIGATION**

The Special Tax may not be prepaid.

#### **G. TERM OF SPECIAL TAX**

Taxable Property in the CFD shall remain subject to the Special Tax in perpetuity or until the City Council takes appropriate actions to terminate the Special Tax pursuant to the Act.

## 2014/2015 SPECIAL TAX ROLL

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The parcels within the CFD shall be the parcel as shown on the County Assessor's map for the year in which this Report is prepared.

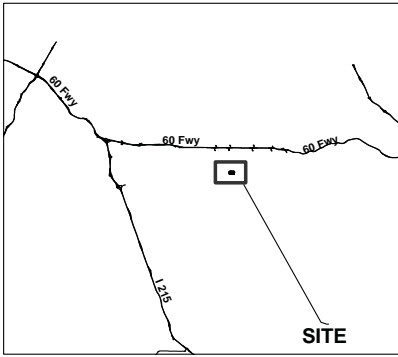
The following list the parcels subject to the Special Tax, along with their corresponding Maximum Special Tax amounts:

APN	Fiscal Year 2014/15 Maximum Special Tax
488-370-001	\$665.75
488-370-002	665.75
488-370-003	665.75
488-370-004	665.75
488-370-005	665.75
488-370-006	665.75
488-370-007	665.75
488-370-008	665.75
488-370-009	665.75
488-370-010	665.75
488-370-011	665.75
488-370-012	665.75
488-370-013	665.75
488-370-014	665.75
488-370-015	665.75
488-370-016	665.75
488-370-017	665.75
488-370-018	665.75
488-370-019	665.75
488-370-020	665.75
488-370-021	665.75
488-370-022	665.75
488-370-023	665.75
488-370-024	665.75
488-370-025	665.75
488-370-026	665.75
488-370-027	665.75
488-370-028	665.75
488-370-029	665.75
488-370-030	665.75
488-370-031	665.75

APN	Fiscal Year 2014/15 Maximum Special Tax
488-370-032	665.75
488-370-033	665.75
488-371-001	665.75
488-371-002	665.75
488-371-003	665.75
488-371-004	665.75
488-371-005	665.75
488-371-006	665.75
488-371-007	665.75
488-371-008	665.75
488-371-009	665.75
488-371-010	665.75
488-371-011	665.75
488-371-012	665.75
488-371-013	665.75
488-371-014	665.75
488-371-015	665.75
488-371-016	665.75
488-371-017	665.75
488-371-018	665.75
488-371-019	665.75
488-371-020	665.75
488-371-021	665.75
488-371-022	665.75
488-371-023	0.00

**PROPOSED BOUNDARY OF THE CITY OF MORENO VALLEY  
COMMUNITY FACILITIES DISTRICT NO. 2014-01  
(MAINTENANCE SERVICES)  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA**

VICINITY MAP



MAP REF. NO.	ASSESSOR'S PARCEL NO.	MAP REF. NO.	ASSESSOR'S PARCEL NO.	MAP REF. NO.	ASSESSOR'S PARCEL NO.	MAP REF. NO.	ASSESSOR'S PARCEL NO.
1	488-370-001	15	488-370-015	29	488-370-029	43	488-371-010
2	488-370-002	16	488-370-016	30	488-370-030	44	488-371-011
3	488-370-003	17	488-370-017	31	488-370-031	45	488-371-012
4	488-370-004	18	488-370-018	32	488-370-032	46	488-371-013
5	488-370-005	19	488-370-019	33	488-370-033	47	488-371-014
6	488-370-006	20	488-370-020	34	488-371-001	48	488-371-015
7	488-370-007	21	488-370-021	35	488-371-002	49	488-371-016
8	488-370-008	22	488-370-022	36	488-371-003	50	488-371-017
9	488-370-009	23	488-370-023	37	488-371-004	51	488-371-018
10	488-370-010	24	488-370-024	38	488-371-005	52	488-371-019
11	488-370-011	25	488-370-025	39	488-371-006	53	488-371-020
12	488-370-012	26	488-370-026	40	488-371-007	54	488-371-021
13	488-370-013	27	488-370-027	41	488-371-008	55	488-371-022
14	488-370-014	28	488-370-028	42	488-371-009	56	488-371-023

FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_\_.

CITY CLERK  
CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES), CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY OF MORENO VALLEY AT A REGULAR MEETING THEREOF, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_\_.  
BY ITS RESOLUTION NO. \_\_\_\_\_.

CITY CLERK  
CITY OF MORENO VALLEY

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_\_,  
AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN BOOK \_\_\_\_\_  
PAGE(S) \_\_\_\_\_ OF MAPS OF ASSESSMENT  
AND COMMUNITY FACILITIES DISTRICT AND INSTRUMENT  
NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER  
IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

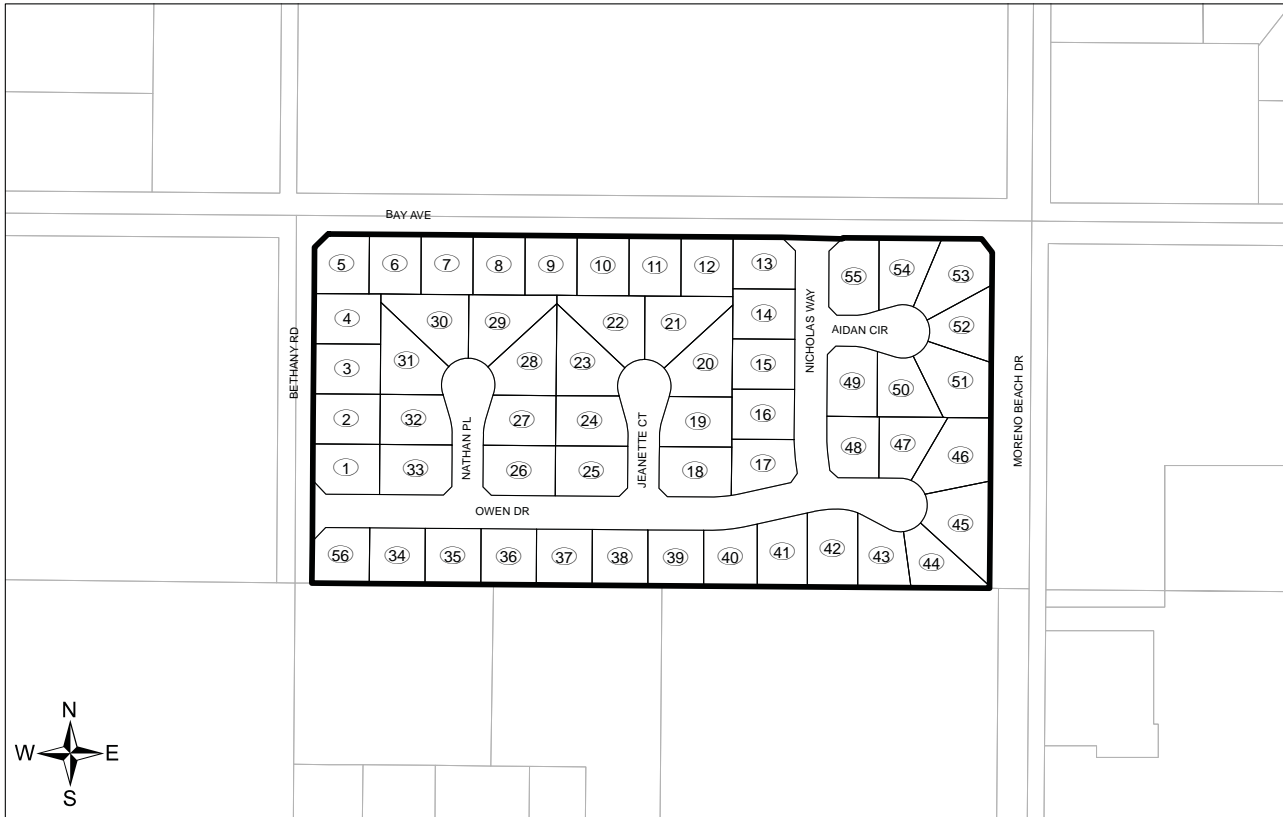
COUNTY RECORDER  
COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

-151-

Item No. E.1



**Legend**

- CFD 2014-01, Tax Rate Area No. 1
- Map Reference Number

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** John Terrell, Community & Economic Development Department Director

**AGENDA DATE:** March 25, 2014

**TITLE:** PUBLIC HEARING REGARDING FY 2014/15 PROJECT SELECTION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS

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### **RECOMMENDED ACTION**

Recommendations: That the City Council:

1. Conduct a Public Hearing for CDBG and the HOME grant programs to allow public comment on the proposed FY 2014/15 programs.
2. Review and select programs for funding for social service, housing, public facilities, rehabilitation, and economic development activities to be included in the City's FY 2014/15 Annual Action Plan.

### **SUMMARY**

The City is estimating that it will receive approximately \$1,915,206 to administer its FY 2014/15 Community Development Block Grant (CDBG) program and \$493,326 to administer the HOME Investment Partnership (HOME) program. CDBG funding is intended to address the needs of low-income persons/areas within the City. HOME funds are intended to address affordable housing related needs. Staff issued a Notice of Available Funding (NOFA) and as a result collected 23 applications requesting funding. This report reviews public social service, affordable housing, and economic development programs recommended for funding by City staff and the Technical Review Committee. City Council selected CDBG and HOME programs will be incorporated into the FY 2014/15 Annual Action Plan.

**DISCUSSION****2014/15 CDBG – AVAILABLE FUNDING**

As of submittal of this report, HUD has not released the allocations for FY 2014/15. For estimation purposes, City staff utilized the FY 2013/14 allocation of \$1,915,206 as the estimate of the new program year. Of this, 15% or \$287,281 of the total CDBG allocation can be made available for social services. In addition, Staff has calculated that there are approximately \$458,227 in previous year project savings (fund balance). This provides for a total anticipated CDBG budget of \$2,373,433. Table 1, below, outlines the proposed CDBG budget based on anticipated allocation. HUD places expenditure caps on certain categories, such as CDBG program administration (20%) and social services (15%). The limits or maximum allocations are noted below.

**Table 1 - FY 2014/15 CDBG PROSPECTIVE BUDGET**

Funding Category	Potential Funding Allocation
<b>ANTICIPATED 2014/15 CDBG ALLOCATION</b>	<b>\$1,915,206</b>
<b>CDBG Past Year Project Savings</b>	<b>\$683,782</b>
<b>Total Anticipated Budget</b>	<b>\$2,598,988</b>
A. Program Administration ( <u>20%</u> maximum of annual grant; includes \$30,000 allocation to Fair Housing)	\$383,041
B. Public Social Services ( <u>15%</u> maximum of annual grant)	\$287,281
C. Public Facilities & Improvements	\$1,410,000
D. Rehabilitation	\$10,000
E. Code Enforcement	\$382,809
F. Economic Development	\$50,000
<b>TOTAL OF ANTICIPATED LINE ITEMS FOR CDBG BUDGET 2013/14</b>	<b>\$2,523,131</b>
<b>Fund Balance Remaining for Future Projects</b>	<b>\$75,857</b>

## **GRANT APPLICATION PROCESS**

Grant regulations require the City to notify the public of available social service funding opportunities and to conduct a public hearing to solicit public input on proposed projects. In compliance, a Notice of Funding Availability (NOFA) for CDBG and HOME was published in the Press-Enterprise on December 17, 2013. CDBG and HOME social service applications were available at the City Hall and were mailed directly to interested parties. Applications were due on January 22, 2014.

A CDBG/HOME Technical Review Committee (TRC) comprised of City staff was formed to review the CDBG public service applications. Prior to making recommendations, the TRC thoroughly evaluated all applications based on: (1) conformance with Federal requirements and City guidelines, (2) community needs identified in the City's Consolidated Plan, (3) priorities established by the City Council at the December 10, 2013 meeting, and (4) available funding resources.

### Federal Requirements

HUD requires that at least 70% of the annual CDBG funds be allocated to projects that benefit low and moderate income persons. In addition, CDBG projects meet at least one of three national objectives: (1) benefit persons of low and moderate income; (2) improve slum or blighted conditions; or (3) respond to an emergency or urgent need (such as a large scale natural disaster).

### Local (City) Guidelines

On a local level, the City Council has adopted guidelines for evaluating social service applications including:

- Priority to local providers over organizations providing equivalent services outside the city,
- City projects shall be given priority,
- The minimum grant level for CDBG Programs has been revised to \$10,000 and remains at \$25,000 for the HOME Program (the Council may approve other grant amounts at their discretion),
- Programs should have other funding sources to ensure financial capability,
- During the review process, providers (local non-profits) that intend to provide similar services and programs to Moreno Valley's low-and-moderate residents shall be given funding priority for combining resources and efforts into a single program,
- 'Basic Needs/ Homeless/Homeless Prevention Services, Employment Services/Programs and Job (Skills) Training, Programs offering Low-Cost Transportation, and Free/Low-Cost programs for School-Aged Youth shall be given funding priority.

## **2014/15 RECOMMENDED CDBG PROJECTS AND PROGRAMS**

All recommended CDBG projects and programs fall into one of the following categories:

- Administration
- Social Services
- Public Facilities and Improvements
- Code Enforcement
- Economic Development
- Rehabilitation

Attachment 4 provides specific recommendations for CDBG social service funding in FY 14/15. It includes a list of all CDBG social service applications received, the requested funding, and amount of funding recommended by the TRC.

**1) CDBG PROGRAM ADMINISTRATION**

HUD limits program administration costs to twenty percent (20%) of the annual CDBG allocation. The FY 2014/15 cap for program administration is estimated at \$383,041. Funding under this category provides for staffing along with HUD-mandated Fair Housing Services. The Fair Housing Services include education regarding fair housing rights and responsibilities, investigation of discriminatory practices, and landlord/tenant mediation.

**2) PUBLIC SOCIAL SERVICES**

Social services are subject to a fifteen percent (15% maximum) limit of the annual CDBG allocation. The maximum social service cap for 2014/15 is estimated at \$287,281. Staff and the TRC reviewed a total of 23 public service applications, which were received from City departments and local non-profit service providers. The TRC conducted evaluations and provided funding recommendations. Social Service applications recommended for CDBG funding in FY 2014/15 encompass a wide range of programs and services including: emergency food and homeless services; youth, elderly and disabled person's services; and crisis counseling. Because of changes in their programs and the locating of alternative funding, two programs did not reapply and two other programs were not recommended for refunding. There were, however, two new applicants recommended for funding; they include: Positive Young People, Inc. (Sigma Beta Xi) for their youth mentoring program and the Family Services Association (FSA) for their Senior Nutrition Program.

**3) PUBLIC FACILITIES & IMPROVEMENTS**

CDBG funds can be used to construct, rehabilitate, acquire, or install public facilities and improvements such as parks, streets, and sewer lines. For the upcoming year, four new capital projects are being proposed they are briefly described below:

- A. The ADA Ramp Improvements at Various Intersections – Construction. Grant funding will provide for the construction phase of the project intended to construct/reconstruct approximately 25 access ramps located in the CDBG Target Areas to meet current ADA standards.
- B. Elsworth St. & Sherman Ave. Sidewalks – Design and Construction. CDBG will fund sidewalk, curb, gutter, and pavement repairs on west side of

Elsworth from Alessandro Boulevard to Sherman Avenue, and south side of Sherman Avenue along Elsworth Street, and also from Day St. to Pepper Street.

- C. Sunnymead Master Drainage Plan – Design. Funds are requested to cover the environmental clearance, storm drain easement document preparation, permit processing, engineering, and bid document preparation associated with Line F and Line F-7 Master Drainage Plan. Together this represents 4,300 feet of needed storm drain improvements within District Five’s CDBG Target Areas.
- D. John F. Kennedy Drive Improvements – Design. Street improvements are missing and needed along John F. Kennedy Drive between Heacock and Paige Avenue. CDBG funding is being recommended for the design phase of this project which includes environmental clearance, surveying, engineering, and bid document preparation.

**4) REHABILITATION**

Habitat for Humanity will again seek to partner with the City of Moreno Valley to offer income-qualified mobile home owners assistance to address exterior repairs and substandard conditions. The program was designed to provide assistance to elderly and/or disabled residents who cannot make repairs themselves and where the lack of maintenance puts them in danger of being evicted.

For the upcoming fiscal year, Staff is proposing the ‘Edgemont Improvement Program’ continue (with no additional funding at this time as the current budget is sufficient and appropriate). This program is created with the intent of addressing issues of blight by offering rehabilitation assistance to income qualified residents within this specific Target Area, and is being expanded to potentially offer other types of redevelopment and/or rehabilitation activities such as single family rehabilitation activities, acquisition for the purposes of rehabilitation, rehabilitation administration activities, and possible clearance/demolition activities.

**5) CODE ENFORCEMENT**

City code enforcement is an important service partially funded by CDBG. Code Compliance officers provide proactive code compliance within the established CDBG-Target Areas. Code compliance efforts reduce blight and substandard housing conditions as well as promote improved property and building maintenance within the Target Areas.

In line with the changing trends in the housing composition of the City, the high priority issue within neighborhoods is no longer foreclosures but the upkeep of rental properties. Therefore this year the Foreclosure Strike Team will be changed to the Rental Property Program (within the Target Areas). Under the revised program, 1 full time staff person will be dedicated of their time to proactively enforce city codes and ordinances specifically on rental properties.

**6) ECONOMIC DEVELOPMENT**

Staff is recommending that the City continue its efforts to create jobs via the previously established CDBG Economic Development Program the Small Business Development Center (SBDC) and the City's Employment Resource Center (ERC). Moreno Valley's sponsorship to SBDC provides for comprehensive small business counseling, including planning, financing, and accounting. Assistance to the 'Business Recruitment Program' at the ERC will continue. ERC staff will partner with local employers and hold job recruitments (job fairs) at the ERC location allowing job availability to be focused on the area's low-to-moderate income, unemployed and underemployed.

**2014/15 HOME PROGRAM – AVAILABLE FUNDING**

The 2014/15 HOME allocation is anticipated to be \$493,326. The HOME Program generally funds HOME program administration (capped at 10% or \$49,333 of the total HOME allocation), city-sponsored housing rehabilitation programs, and the HUD-mandated 15% set-aside (\$73,999) for Community Housing Development Organizations (CHDO) that must be used to increase the supply of affordable housing for low-income families. In addition, Staff has calculated that there are approximately \$450,000 in previous year project savings (fund balance). This provides for a total anticipated CDBG budget of \$943,326. Staff is recommending FY 2014/15 HOME funding as outlined in the table below.

**Table 2 - FY 2014/15 HOME PROSPECTIVE BUDGET**

Funding Category	Potential Funding Allocation
<b>ANTICIPATED 2014/15 HOME ALLOCATION</b>	<b>\$493,326</b>
<b>HOME Past Year Project Savings</b>	<b>\$450,000</b>
<b>Total Anticipated Budget</b>	<b>\$943,326</b>
A. Program Administration (10% maximum of annual grant)	\$49,333
B. Mandatory CHDO setaside (15% of allocation)	\$73,999
C. Mobilehome Grant Program (MHG)	\$78,000
D. Home Improvement Loan Program (HILP)	\$0
E. Multi-family Housing Acquisition and/or Rehabilitation	\$600,000
<b>TOTAL OF ANTICIPATED LINE ITEMS FOR HOME BUDGET 2014/15</b>	<b>\$879,332</b>
<b>Fund Balance Remaining for Future Projects</b>	<b>\$36,994</b>

Attachment 5 provides specific recommendations for HOME funding in FY 2014/15. It includes a list of all HOME projects being recommended.

The proposed programs include additional funding toward the Mobilehome Grant Program (MHG) which would provide income-qualified households with grant monies in which to address health and safety repairs within the unit. The City is evaluating an application from Habitat for Humanity to administer the Mobilehome Grant Program (MGP) on behalf of the City. The allocation would allow for the rehabilitation of approximately six units within the City's mobilehome parks.

Recently, staff has noted the rare opportunity for multi-family housing acquisition in the Warner Ranch and along Adrienne Ave./Allies Place (i.e., area commonly known as 'the Shoe'). These are highly distressed areas where the City has an established presence by way of other affordable housing projects. The City would like to pursue any available properties and is proposing \$600,000 be allocated to cover costs associated with acquisition and/or rehabilitation.

## **ALTERNATIVES**

**Alternative 1** - The City Council may conduct a public hearing and select social service programs and projects for funding as recommended by staff. **Staff recommends this alternative because it adheres to HUD program requirements.**

**Alternative 2** - The City Council may decline to conduct a public hearing and may choose not to fund any projects as recommended. **Staff does not recommend this alternative because it could delay preparation, approval, and submission of Annual Action Plan to HUD.**

**Alternative 3** - The City Council may increase or decrease the recommended levels of funding for specific programs/projects for which the City received an application. **Use of this alternative can only be utilized if any funding changes meet HUD requirements and conform to overall funding capability.**

## **FISCAL IMPACT**

Available CDBG funds for FY 2014/15 are expected to be about \$1,915,206. These funds will provide funding for a variety of improvements and services. The available HOME funds will be approximately \$493,326. These funds will provide funding for affordable housing projects. Together, the CDBG and HOME programs will afford a variety of affordable housing and neighborhood preservation efforts in Moreno Valley.

**The proposed program funding selections have NO impact on the City's General Fund.** CDBG funding must be used for eligible activities in Target Areas that contain at least 70% of residents earning low to moderate incomes. Eligible programs or projects must meet one of three HUD national objectives, in accordance with City Council adopted community priorities.

As of the date of this staff report, HUD's allocation is based on an estimate with the proposed projects being reviewed for inclusion in the draft Action Plan. The final Action Plan (along with final project approval) will occur at a later scheduled Public Hearing. Proposed budget adjustments and appropriations shall be included in the forthcoming staff report.

## **CITY COUNCIL GOALS**

### **REVENUE DIVERSIFICATION & PRESERVATION**

By utilizing CDBG and HOME funds the City will enhance its ability to create a stable revenue base and fiscal policies that will support essential City improvement services.

### **PUBLIC SAFETY**

Many of the proposed CDBG and HOME programs will directly or indirectly help to provide a secure environment for people and property in the community.

### **POSITIVE ENVIRONMENT**

The variety of community-based CDBG and HOME programs help develop a positive environment in the community.

### **COMMUNITY IMAGE, NEIGHBORHOOD PRIDE & CLEANLINESS**

CDBG and HOME programs such as: Code Enforcement, the street improvement projects, and the proposed housing rehabilitation will help to preserve, rehabilitate, and improve Moreno Valley's neighborhoods.

### **PUBLIC FACILITIES AND CAPITAL PROJECTS**

CDBG monies are regularly dedicated to improve the streets and sidewalks in low-income neighborhoods.

## **NOTIFICATION**

Notice of this meeting was published in the local edition of the Press-Enterprise newspaper on March 10, 2014.

## **ATTACHMENTS**

ATTACHMENT 1	Income Limits
ATTACHMENT 2	CDBG Target Area Map
ATTACHMENT 3	Eligible/Ineligible Activities
ATTACHMENT 4	CDBG Funding Recommendations
ATTACHMENT 5	HOME Funding Recommendations

Prepared By:  
Isa Rojas

Department Head Approval:  
John Terrell



Management Analyst

Community & Economic Development Director

Concurred By:  
Anochar Clark  
Senior Financial Analyst

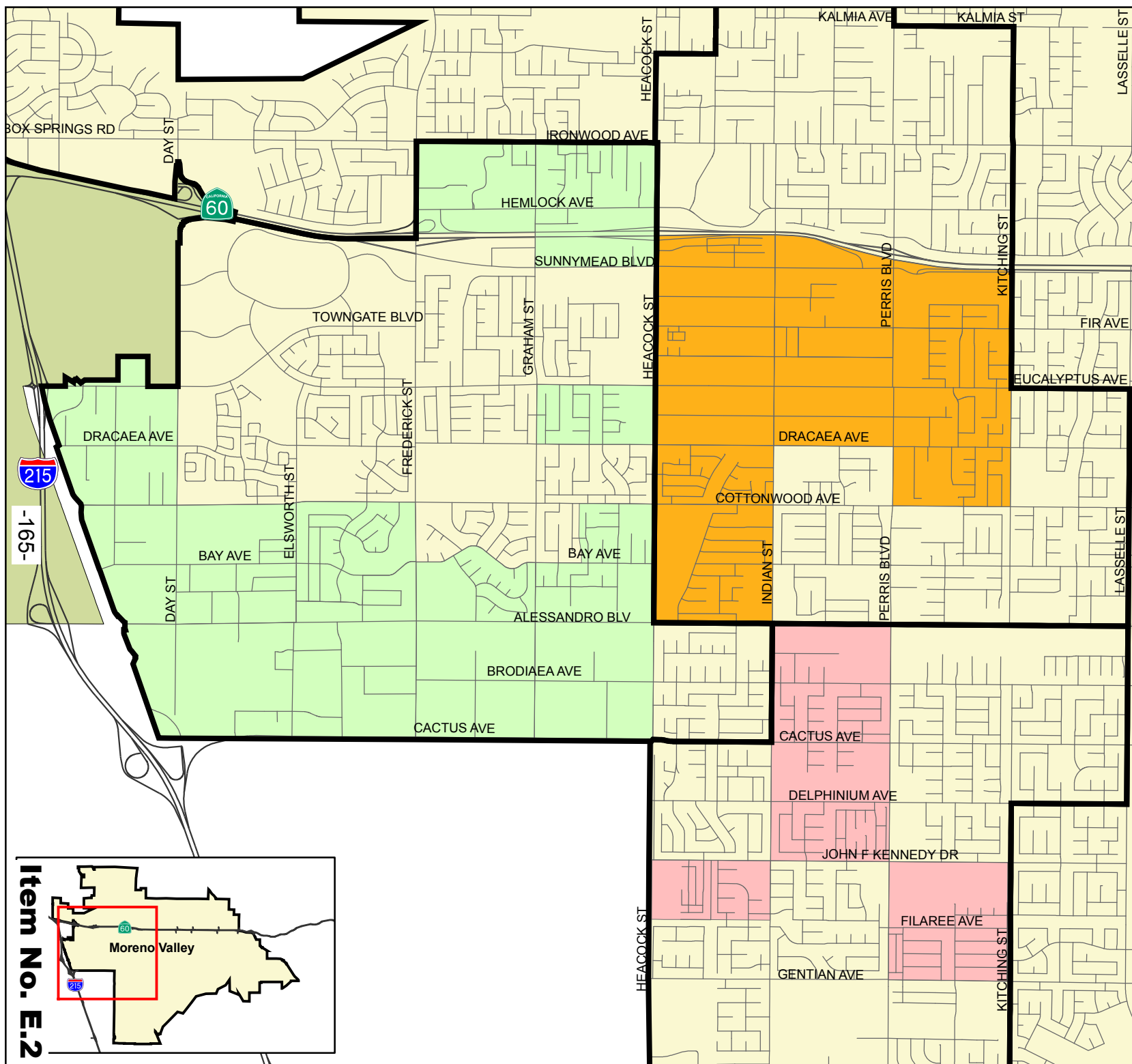
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**2013 INCOME LIMITS**  
 Revised Annually  
 Neighborhood Preservation Division

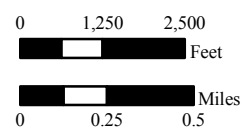
FAMILY SIZE	1	2	3	4	5	6	7	8
EXTREMELY LOW (30%)	\$13,400	\$15,300	\$17,200	\$19,100	\$20,650	\$22,200	\$23,700	\$25,250
LOW INCOME 50%	\$22,300	\$25,500	\$28,700	\$31,850	\$34,400	\$36,950	\$39,500	\$42,050
MODERATE INCOME 80%	\$35,700	\$40,800	\$45,900	\$50,950	\$55,050	\$59,150	\$63,200	\$67,300



# CITY OF MORENO VALLEY CDBG TARGET AREAS



- CDBG Districts**
- District 1
  - District 4
  - District 5
  - Council District Boundaries
  - Moreno Valley
  - Riverside

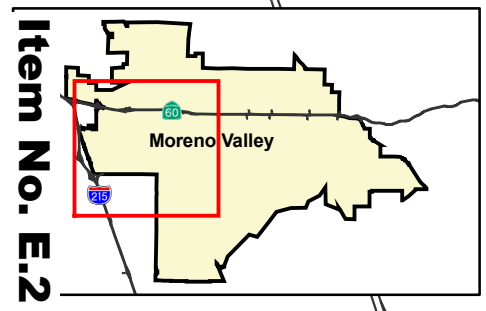


**Map Produced by Moreno Valley Geographic Information System**  
 Geographic Information in:  
 State Plane NAD 83 California Zone 6 Feet  
 G:\ArcMap\Code\  
 CDBG target areas\_1007.mxd  
 October 30, 2007

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.



**MORENO VALLEY**  
 WHERE DREAMS SOAR



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## Eligible CDBG Activities

- ∇ Acquisition, design, construction, rehabilitation, or installation of certain publicly owned facilities such as:
  - Parks, playgrounds and recreational facilities.
  - Senior centers, except 24-hour care facilities.
  - Neighborhood facilities.
  - Fire protection facilities and equipment.
  - Parking facilities.
  - Street improvements.
  - Flood, drainage, or sewer facilities.
  - Other improvements vital to a community's development.
- ∇ Acquisition of property that is: of historic value; appropriate for beautification or conservation of open spaces; appropriate for low or moderate income housing.
- ∇ Clearance and demolition of buildings and land which may be a health hazard to the community. Interim assistance or temporary help to alleviate harmful or dangerous conditions.
- ∇ Removal of architectural barriers which restrict the mobility of handicapped persons.
- ∇ Rehabilitation and preservation of buildings and improvements, both publicly and privately owned.
- ∇ Code enforcement in designated target areas.
- ∇ Historic preservation activities.
- ∇ Eligible economic development activities.
- ∇ Eligible planning and environmental design costs.
- ∇ Public services including, but not limited to: fair housing activities, public safety services, homeless services, senior citizen services, educational programs, youth services, drug abuse counseling & treatment and recreation programs.

## Ineligible CDBG Activities

- ∇ Buildings for the general conduct of government, such as city halls, courthouses, and police stations.
- ∇ Stadiums, sports arenas, auditoriums, museums and central libraries (Note: branch libraries may be built in CDBG Target Areas).
- ∇ Purchase of equipment such as construction equipment, fire protection equipment, furnishings, and personal property.
- ∇ Schools
- ∇ Airports, subways, bus or other stations.
- ∇ Hospitals, nursing homes, and other medical facilities.
- ∇ Treatment works for liquid industrial wastes or sewage.
- ∇ Expenses of general government for operation and maintenance of public facilities.
- ∇ Political activities.
- ∇ Direct income payments to residents.

## **Eligible HOME Activities**

- ∇ Loans and grants provided by Participating Jurisdictions (the City of Moreno Valley is a Participating Jurisdiction) to develop and support affordable rental housing and homeownership affordability through acquisition, new construction, reconstruction, or rehabilitation of non-luxury housing (including manufactured housing).
- ∇ Operating expenses and capacity building costs for eligible Community Housing Development Organizations (CHDO).
- ∇ Eligible administrative and planning costs.

## **Ineligible HOME Activities**

- ∇ Project reserve accounts or operating subsidies.
- ∇ Tenant-based rental assistance for the special purposes of the Section 8 program.
- ∇ To provide non-federal matching contributions.
- ∇ To provide assistance to annual contributions for the operation of public housing.
- ∇ Modernization of public housing.
- ∇ Prepayment of low-income housing mortgages.
- ∇ Assistance to a project previously assisted with HOME funds during the period of affordability.



ACTIVITY	FY 2013/14 ALLOCATION	FY 2014/15 Request	Recommendation	NOTES
<b>A. ADMINISTRATION (20% CAP – \$383,041)</b>				
0 Administrative Staffing	\$353,041	\$353,041	\$353,041	
1 Fair Housing Council of Riverside County – Fair Housing Program	\$30,000	\$30,000	\$30,000	
<b>Subtotal</b>	<b>\$383,041</b>	<b>\$383,041</b>	<b>\$383,041</b>	
<b>B. PUBLIC SERVICES (15% CAP – \$287,281)</b>				
2 Community Assistance Program (CAP) – Food Program	\$33,062	\$36,800	\$33,000	
3 Friends of the Moreno Valley Senior Center (MoVan) Transportation	\$31,062	\$32,000	\$32,000	
4 Fair Housing Council of Riv County – Landlord Tenant Mediation Program	\$17,892	\$21,000	\$18,000	
5 PW Enhancement Center – Emergency Services Outreach	\$17,062	\$35,000	\$17,000	
6 Lutheran Social Services (MARB) Homeless Shelter	\$16,912	\$45,566	\$17,000	
7 Path of Life Transitional Family Shelter (MARB)	\$16,912	\$169,059	\$17,000	
8 Catholic Charities – Case Worker	\$16,062	\$40,000	\$30,000	
9 CASA for Riverside County Foster Youth Program	\$11,062	\$32,535	\$11,000	
10 Assistance League/Operation School Bell – Clothes/School Supplies	\$11,062	\$15,000	\$11,000	
11 Fair Housing Council of Riv County – Foreclosure Mitigation Counseling Program	\$10,000	\$0	\$0	Did Not Apply
12 Operation Safehouse Shelter for Youth	\$9,062	\$10,000	\$10,000	
13 Alternatives to Domestic Violence Emergency Shelter & Services	\$8,562	\$15,000	\$10,000	
14 Riverside Area Rape Crisis Center – Child Abuse Prevention Program	\$8,562	\$10,000	\$10,000	
15 Salvation Army –Food Program	\$8,562	\$14,544	\$10,000	
16 ARC of Riverside – Disabled Adult Day Care Facility	\$6,062	\$20,000	\$10,000	
17 US VETS Food Program	\$6,062	\$35,000	\$0	
18 Smooth Transition Literacy/Job Readiness/Life Skills Trng.	\$6,062	\$48,872	\$0	
19 Lighthouse Treatment Center for Vets	\$6,062	\$0	\$0	Did Not Apply
20 211 Telephone Referral Service	\$6,062	\$15,000	\$10,000	
21 MV PD Christmas Program	\$4,753	\$6,000	\$6,000	
22 Positive Young People, Inc. (Sigma Beta Xi) – Youth Mentoring Program	\$0	\$10,000	\$10,000	
23 Family Service Association – Senior Nutrition Program	\$0	\$17,307	\$10,000	
24 The Hole in the Wall – Homeless Drop In Center	\$0	\$96,900	\$0	No final 501c3
25 Rising Stars Business Academy – Vocational Training Program	\$0	\$26,540	\$0	
26 Employment Resource Center – Operations	\$0	\$0	\$15,281	
<b>Subtotal</b>	<b>\$250,893</b>	<b>\$752,123</b>	<b>\$287,281</b>	
<b>C. PUBLIC FACILITIES &amp; IMPROVEMENTS</b>				
27 Sunnymead Blvd. Stormdrain btwn. Indian & SR-60 Perris Blvd. off-ramp	\$800,000	\$0	\$0	Continuing
29 Graham/Hemlock Intersection Improvements	\$0	\$0	\$0	Continuing from 12-13 with no add'l funding
30 Edgemont Improvement Program	\$300,000	\$0	\$0	Continuing
31 Alessandro Blvd Street Improvements including ADA	\$400,000	\$0	\$0	Per amendment 4, FY 2013-14
32 ADA Ramp Improvements at Various Intersections – Design	\$92,000	\$0	\$0	Per amendment #4
33 Conference and Recreation – Community Center Improvements	\$52,504	\$0	\$0	Per amendment #4
34 Cottonwood Community Center – Neighborhood Facility Rehabilitation	\$37,940	\$0	\$0	Per amendment #4
35 Annual ADA Improvements Various Parks	\$74,550	\$0	\$0	Per amendment #4
36 Playground Improvements at Bayside Park	\$84,776	\$0	\$0	Per amendment #4
37 ADA Ramp Improvements at Various Intersections – Construction	\$0	\$260,000	\$260,000	
38 Elsworth St. & Sherman Ave. Sidewalks – Design and Construction	\$0	\$500,000	\$400,000	
39 Sunnymead Master Drainage Plan – Design	\$0	\$650,000	\$650,000	
40 John F. Kennedy Drive Improvements – Design	\$0	\$100,000	\$100,000	
<b>Subtotal</b>	<b>\$1,841,770</b>	<b>\$1,510,000</b>	<b>\$1,410,000</b>	
<b>D. REHABILITATION</b>				
41 Habitat for Humanity – Helping Hands Exterior Mobilehome Grant Program	\$10,000	\$10,000	\$10,000	
<b>Subtotal</b>	<b>\$10,000</b>	<b>\$10,000</b>	<b>\$10,000</b>	
<b>E. CODE ENFORCEMENT</b>				
42 Code & Neighborhood Enforcement Program (CDBG Target Areas)	\$284,767	\$284,767	\$284,767	
43 Code Enforcement – Rental Property Program	\$98,042	\$98,042	\$98,042	
<b>Subtotal</b>	<b>\$382,809</b>	<b>\$382,809</b>	<b>\$382,809</b>	
<b>F. ECONOMIC DEVELOPMENT</b>				
44 Business Incubator (formerly New Business Incentive Program)	\$225,555	\$0	\$0	
45 Recruitment Assistance (based at the ERC)	\$173,216	\$0	\$0	Continuing
46 Community Investment Corp. Micro-Loan Program	\$0	\$0	\$0	
47 Small Business Development Center	\$50,000	\$50,000	\$50,000	
<b>Subtotal</b>	<b>\$448,771</b>	<b>\$50,000</b>	<b>\$50,000</b>	
<b>GRAND TOTAL</b>	<b>\$3,317,284</b>	<b>\$3,077,973</b>	<b>\$2,523,131</b>	

■ New applicants ■ Organization serving homeless population ■ Recommended funding changes over previous year

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**HOME FY 2014/15**  
**Total Anticipated Funding \$493,326 plus \$450,000 in past year savings = \$943,326**

ACTIVITY	FY 2013/14 ALLOCATION	FY 2014/15 Request	FY 2014/15 Recommended Amount	NOTES
<b>A. ADMINISTRATION</b>				
0 Administrative Staffing (10% CAP - \$49,333)	\$49,333	\$49,333	\$49,333	
<b>Subtotal</b>	<b>\$49,333</b>	<b>\$49,333</b>	<b>\$49,333</b>	
<b>B. CHDO (MANDATORY)</b>				
1 (15% CAP - \$73,999)	\$73,998	\$73,999	\$73,999	
<b>Subtotal</b>	<b>\$73,998</b>	<b>\$73,999</b>	<b>\$73,999</b>	
<b>C. APPLICATIONS</b>				
2 <b>Habitat for Humanity, Mobilehome Grant Program (new allocation)</b>	<b>\$0</b>	<b>\$78,000</b>	\$78,000	
<b>Subtotal</b>	<b>\$0</b>	<b>\$78,000</b>	<b>\$78,000</b>	
<b>D. HOUSING REHABILITATION</b>				
3 City Home Improvement Loan Program	\$0	\$0	\$0	
4 City Mobilehome Grant Program	\$78,000	\$0	\$0	Carry-over from 2013-14
<b>Subtotal</b>	<b>\$78,000</b>	<b>\$0</b>	<b>\$78,000</b>	
<b>MULTI FAMILY HOUSING</b>				
-171- <b>Future Acquisition and/or Rehabilitation, Rental Project</b>	<b>\$0</b>	<b>\$600,000</b>	<b>\$600,000</b>	
<b>Subtotal</b>	<b>\$0</b>	<b>\$600,000</b>	<b>\$600,000</b>	
<b>GRAND TOTAL</b>	<b>\$201,331</b>	<b>\$801,332</b>	<b>\$879,332</b>	

■ New program    ■ Recommended funding changes over previous year level

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** John Terell, Community & Economic Development Director

**AGENDA DATE:** March 25, 2014

**TITLE:** PUBLIC HEARING TO ADOPT SUBSTANTIAL AMENDMENT #4 AFFECTING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) FOR THE FY 2013-2014 ANNUAL ACTION PLAN

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### **RECOMMENDED ACTION**

Recommendations: That the City Council:

1. Conduct a Public Hearing to allow public comment on the proposed Substantial Amendments #4 (CDBG).
2. Review and adopt the proposed Substantial Amendments #4 (CDBG) to the FY 2013-2014 Annual Action Plan.
3. Approve the necessary Revenue and Expense Appropriations and authorize the Chief Financial Officer to process the adjustments.
4. Authorize the City Manager to reallocate grant funds between HUD-approved grant activities.

### **SUMMARY**

This report recommends that the Council conduct a Public Hearing and consider staff recommendations to approve amendments to the CDBG Program. The recommended amendments will allow staff to better administer the program to meet the May 2014 expenditure deadline.

### **DISCUSSION**

As a recipient of federal grant funding, the City of Moreno Valley is mandated to complete a five-year Consolidated Plan and an Annual Action Plan that details the use

of its grant funds. In cases where there are substantial changes to either Plan cities must notify its citizens of the proposed changes and provide them the opportunity to comment. A Public Hearing must also be held and with the Council-approved 'Substantial Amendment(s)' forward to the Department of Housing and Urban Development (HUD) for review and final approval.

On April 23, 2013, the Moreno Valley City Council approved the FY 2013-14 Action Plan and within it awarded grant allocations to thirty (30) CDBG projects and three (3) HOME projects. At the time, HUD had not yet released the allocations for HOME and CDBG, therefore the Action Plan was adopted utilizing an estimated budget.

On November 12, 2013, after HUD released the final allocation amounts to cities nationwide, the Council approved amendments 1, 2, and 3 to the 2013-14 Action Plan with changes affecting CDBG, HOME, and NSP programs. The final allocations for both CDBG and HOME were more than the estimated budget and the amendments allowed the City to commit the newly awarded monies toward eligible grant activities.

Within this report, Amendment 4 to the 2013-14 Action Plan would make additional changes to the CDBG program by adding six projects and making changes to two. These changes are recommended to help ensure that the City meets the annual Timeliness Test for expenditure of CDBG funds scheduled to be conducted by HUD on May 2<sup>nd</sup>. Unforeseen delays with previously funded projects have created the potential to miss the required expenditure level. Failure to meet the required expenditure level could result in the loss of a portion of current and/or future CDBG funding.

Below please find a summary of the proposed changes:

1. **Edgemont Improvement Program** - Expand the scope of the program from only allowing for single family rehabilitation activities to also include other types of redevelopment and/or rehabilitation activities, specifically: acquisition for the purposes of rehabilitation, rehabilitation administration activities, and possible clearance/demolition activities. This would include the ability to fund a portion of the current efforts to improve the substandard Box Springs Mutual Water Company system. There would be no change the project budget.
2. **Alessandro Blvd. Street Improvement Project including ADA** - CDBG will assist in funding this median street improvement project along Alessandro between Indian St. and Perris Blvd. Block grant funding will focus on the installation of ADA ramps and all ADA related improvements. The new CDBG allocation would be valued at \$400,000.
3. **ADA Ramp Improvements at Various Intersections (Design)** - Grant funding will be provided for the design phase of the project intended to construct/reconstruct approximately 25 access ramps located within the Target Areas to meet current ADA standards. The CDBG contribution toward

this new project would be \$92,000. Construction money for the ADA improvements is included in the proposed FY 2014-15 CDBG program budget.

4. **Business Incubator** - Due to budget cuts, there are currently no staff resources available to implement and administer this program. This amendment approves a reallocation of the project budget in the amount of \$225,000.
5. **Conference and Recreation Center Improvements** - Under this project, permanent playground fixtures would be installed as well as additional landscape plantings. The CDBG contribution toward this new project would be \$52,504.
6. **Cottonwood Community Center - Neighborhood Facility Rehabilitation.** This project is to include the rehabilitation of a neighborhood facility within the CDBG target area including re-roof and the removal of failing building improvements. The CDBG contribution toward this new project would be \$37,940.
7. **ADA Improvements to Various Parks** - CDBG would address non-ADA compliant walkways, and install ADA-compliant drinking fountains in Target Area parks. The CDBG contribution toward this new project would be \$74,550.
8. **Replace Playground Improvements at Bayside Park** - This project involves the installation or replacement of deteriorating playground equipment. The CDBG contribution toward this new project would be \$84,776.

With Council approval, staff will partner with the Public Works Dept. and the Parks and Recreation Dept. to move quickly with all of the projects; focusing on design of ADA street improvements, purchase of ADA compliant fixtures, and playground improvements.

## **ALTERNATIVES**

1. **Alternative 1.** Adopt Substantial Amendments #4 (CDBG) to the FY 13/14 Annual Action Plan; approve the Revenue and Expense Appropriations and authorize the Chief Financial Officer to process the adjustments; and authorize the City Manager to reallocate grant funds between HUD-approved grant activities. **Staff recommends this action because it complies with HUD's substantial amendment requirements, adheres to the mandatory administrative caps, and would allow for the City to better meet the expenditure goals for the HOME and CDBG grants.**

- 2. Alternative 2:** Decline to adopt Substantial Amendments #4 (CDBG) to the FY 13/14 Annual Action Plan; decline to approve the Revenue and Expense Appropriations and not authorize the Chief Financial Officer to process the adjustments; and not authorize the City Manager to reallocate grant funds between HUD-approved grant activities. **Staff does not recommend this action because it would result in a failure to meet HUD’s substantial amendment requirements, and would constrain efforts to meet the expenditure goals of the HOME and CDBG grants.**

### FISCAL IMPACT

The proposed projects are to be funded by past year project savings. The recommended actions to the CDBG program will pose **NO FISCAL IMPACT TO THE GENERAL FUND**. Per federal law, these funds are to be used solely for designated activities. The Revenue/Expenditure Appropriations and Budget Adjustments are as follows:

#### CDBG Revenue/Expenditure Appropriations

Description	Fund	GL Account No.	Type (Rev/Exp)	FY 13/14	Proposed Adjustments	FYs 13/14 Amended Budgets
Receipt of Grant	CDBG	2512-20-32-72611-485000	REV	\$2,843,714	\$516,215	\$3,359,929
Alessandro Blvd. Street Improvement Project - ADA	CDBG	PN – 801 0039 70 77 2512-99 GL – 2512-70-77-80001-720134	EXP	0	\$400,000	\$400,000
ADA Ramp Improvements at Various Intersections (Design)	CDBG	PN –2512-99 NEW GL – 2512-50-57-NEW	EXP	0	\$92,000	\$92,000
Conference and Recreation Center Improvements	CDBG	PN –2512-99 NEW GL – 2512-50-57-NEW	EXP	0	\$52,504	\$52,504
Cottonwood Community Center – Neighborhood Facility Rehabilitation	CDBG	PN –803 0015 50 57 2512-99 GL – 2512-50-57-80003-720134	EXP	0	\$37,940	\$37,940
Annual ADA Improvements at Various Parks	CDBG	PN –807 0005 50 57 2512-99 GL – 2512-50-57-80007-720134	EXP	0	\$74,550	\$74,550
Replace Playground Improvements at Bayside Park	CDBG	PN –807 0004 50 57 2512-99 GL – 2512-50-57-80007-720134	EXP	0	\$84,776	\$84,776
CDBG Economic Development - Business Incubator	CDBG	GL – 2512-20-32-72611-730105	EXP	\$496,940	(\$225,555)	\$271,420



\*Includes HUD remaining unobligated balance (fund balance).

## **CITY COUNCIL GOALS**

Approval of the proposed substantial amendments will assist to uphold five of the six pre-established City Council Goals.

### **1. PUBLIC FACILITIES & CAPITAL PROJECTS**

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

### **2. POSITIVE ENVIRONMENT**

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

### **3. COMMUNITY, IMAGE, NEIGHBORHOOD PRIDE & 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.

### **4. REVENUE DIVERSIFICATION AND PRESERVATION**

Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

### **5. PUBLIC SAFETY**

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

## **NOTIFICATION**

Notice of this meeting and announcement of Public Comment Period was originally posted via the City Clerk's office to various City satellite offices on February 24, 2014, and published in the Press-Enterprise newspaper on February 25, 2014. The official 30-day public review period occurred from February 24, 2014 through March 25, 2014. Respondents were given the opportunity to provide comments via email, telephone, and walk-in. Information in Spanish was also made available.

## **ATTACHMENTS**

**ATTACHMENT 1**

**ATTACHMENT 2**

Proposed FY 2013-2014 Annual Action Plan  
Substantial Amendment No. 4, CDBG  
Copy of Notice of Public Comment Period and  
Public Hearing

Prepared By:  
Isa Rojas  
Management Analyst

Department Head Approval:  
John C. Terrell AICP  
Community & Economic Development Director

Concurred By:  
Anochar Clark  
Senior Financial Analyst

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**CITY OF MORENO VALLEY  
FY 2013/14 ACTION PLAN  
AMENDMENT NO. 4, CDBG**

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The Action Plan addresses the City's plan for use of CDBG and HOME funds during Fiscal Year 2013/14. The plan is based upon the Consolidated Plan prepared for both grant programs. The Annual Action Plan facilitates the strategy outlined in the Consolidated Plan by addressing community needs through various mechanisms.

This amendment to the FY 2013/14 Action Plan requires citizen participation (including public hearing, public notice and 30-day review period) because the issue is considered a "substantial amendment." This substantial amendment will be available for public review from February 24, 2014 to March 25, 2014. A public hearing will be conducted at the March 25, 2014 Moreno Valley City Council Meeting at 6:00 p.m. Amendment 4 to the City of Moreno Valley's 2013/14 Annual Action Plan includes the following changes:

1. **Edgemont Improvement Program** - Expand the scope of the program from only allowing for single family rehabilitation activities to also include other types of redevelopment and/or rehabilitation activities, specifically: acquisition for the purposes of rehabilitation, rehabilitation administration activities, and possible clearance/demolition activities. This would include the ability to fund a portion of the current efforts to improve the substandard Box Springs Mutual Water Company system. There would be no change the project budget.
2. **Alessandro Blvd. Street Improvement Project including ADA** - CDBG will assist in funding this median street improvement project along Alessandro between Indian St. and Perris Blvd. Block grant funding will focus on the installation of ADA ramps and all ADA related improvements. The new CDBG allocation would be valued at \$400,000.
3. **ADA Ramp Improvements at Various Intersections (Design)** - Grant funding will be provided for the design phase of the project intended to construct/reconstruct approximately 25 access ramps located within the Target Areas to meet current ADA standards. The CDBG contribution toward this new project would be \$92,000. Construction money for the ADA improvements are included in the proposed FY 2014-15 CDBG program budget.
4. **Business Incubator** - Due to budget cuts, there are currently no staff resources available to implement and administer this program. This amendment approves a reallocation of the project budget in the amount of \$225,000.
5. **Conference and Recreation Center Improvements** - Under this project permanent playground fixtures would be installed as well as additional landscape plantings. The CDBG contribution toward this new project would be \$52,504.

**ATTACHMENT 1**

- 6. Cottonwood Community Center - Neighborhood Facility Rehabilitation.**  
This project is to include the rehabilitation of a neighborhood facility within the CDBG target area including re-roof and the removal of failing building improvements. The CDBG contribution toward this new project would be \$37,940.
- 7. ADA Improvements to Various Parks -** CDBG would address non-ADA compliant walkways, and install ADA-compliant drinking fountains in Target Area parks. The CDBG contribution toward this new project would be \$74,550.
- 8. Replace Playground Improvements at Bayside Park -** This project involves the installation or replacement of deteriorating playground equipment. The CDBG contribution toward this new project would be \$84,776.

Approved by: \_\_\_\_\_

Michelle Dawson, City Manager

# THE PRESS-ENTERPRISE

## Hemet News

3450 Fourteenth Street  
Riverside CA 92501-3878  
951-763-3411  
951-763-3410 FAX

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF RIVERSIDE (2010, 2015.5 C.C.P.)

Publication(s):

PROOF OF PUBLICATION OF

Ad Desc.:

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE HEMET NEWS, a newspaper of general circulation, printed and published weekly in the city of Hemet, County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of October 10, 1927, Case Number 17137; that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date:  
At: Riverside, California

*[Signature]* 2/25/14

Riverside CA

Ad #: 10185156

PO #:

Agency #: \_\_\_\_\_

### CITY OF MORENO VALLEY NOTICE OF PUBLIC COMMENT PERIOD AND UPCOMING PUBLIC HEARING PROPOSED FY 2013-14 ACTION PLAN AMENDMENT AFFECTING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

As a recipient of federal grant funding, the City of Moreno Valley completes a five-year Consolidated Plan and an Annual Action Plan that details the use of the grant funds. Substantial changes to the current FY 2013-14 Annual Action Plan and/or the FY 2013-18 Consolidated Plan require cities to notify citizens of the proposed Amendment and provide them the opportunity to comment on the changes.

#### The City is considering adding one or more of the following projects under a 'Substantial Amendment' and is soliciting public comment:

Assisting to fund a capital street improvement project: the Alessandro Blvd. Street Improvements (including median and ADA improvements), from Indian Street to Perris Blvd.;

Expanding the scope of the existing 'Edgemont Improvement Program' to include area studies and the potential for acquisition and/or demolition of dilapidated buildings and structures;

Funding CDBG-eligible improvements at the Cottonwood Community Recreation Center;

Assisting to fund ADA improvements at City parks under the 'Annual ADA Park Improvement' project;

Assisting to replace playground structures as needed in the City parks located within the CDBG Target Areas;

Redirecting funding from the existing 'Business Incubator Program' toward newly approved projects;

Funding the engineering design costs for future construction of street improvements in the CDBG Target Areas, such as along Sherman Ave.;

Funding the acquisition of available multi-family housing located in the Target Areas for the purposes of rehabilitating and renting to low-income households.

The proposed Amendments will be available for public review from February 24, 2014 through March 25, 2014. Please provide comment in person at the Moreno Valley City Hall, by e-mailing [np@moval.org](mailto:np@moval.org), or by calling the Community & Economic Development Department at (951) 413-3450.

The City Council will hold a **Public Hearing** to receive additional comments, review, and possibly adopt the proposed Amendments on **Tuesday, March 25, 2014 at 6:00 p.m.** at the following location:

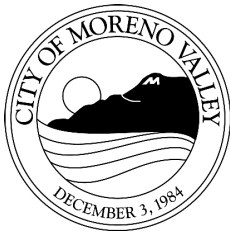


**City Council Chambers**  
City of Moreno Valley - City Hall  
14177 Frederick Street  
Moreno Valley, CA

The general public is encouraged to attend. Para información en Español, llame, (951) 413-3450

Date Published: February 25, 2014

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APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Chris Paxton, Administrative Services Director

**AGENDA DATE:** March 25, 2014

**TITLE:** MONTHLY REPORT: MORENO VALLEY ANIMAL SHELTER ADOPTION RATE

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### **RECOMMENDED ACTION**

Recommendations: That the City Council:

1. Receive and file the Monthly Report: Moreno Valley Animal Adoption Rate for the period of February 1 to February 28, 2014.

### **SUMMARY**

The City Council has challenged staff to increase adoptions and decrease the euthanasia rate at the Moreno Valley Animal Shelter. Ongoing evaluation of programs and services, along with increasing public awareness will remain key elements to our success in increasing adoptions of homeless pets from our shelter.

### **DISCUSSION**

As a follow up to the December 18, 2012 City Council Study Session on Animal Shelter operations, Mayor Owings asked that monthly staff reports be prepared to keep the public informed of the City's progress and the ongoing need to increase pet adoptions and other programs to reduce the number of homeless animals euthanized.

The February 2014 report reveals a Placement (Return to Owners, Transfers and Adoptions) Rate of 59%, representing an increase over last year's Placement Rate by 9%. Other factors which are noteworthy include:

- The number of dogs taken in at the Shelter during February 2014 declined by 5% as compared to February 2013;
- The placement rate for dogs (adoptions, return to owners & transfers) during February 2014 increased by 11% as compared to February 2013;
- The number of dog adoptions during February 2014 remained flat with no notable increase as compared to February 2013;
- The number of dogs euthanized decreased in February 2014 by 38% when compared to February 2013;
- The number of cats taken in at the Shelter during February 2014 increased by 41% as compared to February 2013;
- The number of cat adoptions increased in February 2014 by 300% as compared to February 2013;
- The placement rate for cats (adoptions, return to owners & transfers) during February 2014 increased by 13% as compared to February 2013;
- The number of cats euthanized had a slight increase in February 2014 by 2% as compared to February 2013;
- Other live animal species received in February 2014 included 1 potbelly pig, 1 guinea pig, 2 snakes, 1 tortoise, 3 birds (1 chicken, 1 cockatiel & 1 hawk) 3 rabbits, and 1 donkey.

#### **Upcoming Events – March & April 2014**

- Low Cost Rabies Vaccination & Dog Licensing Clinic – Saturday, March 1<sup>st</sup>
- St. Patrick’s Day Pet Adoption Event – March 15<sup>th</sup> to March 17<sup>th</sup>
- “Pets on Parade Expo” City of Perris, Saturday, March 29<sup>th</sup> at Paragon Park
- Spring “Pet in the Park” Pet Adoption Event, Saturday April 12<sup>th</sup> at Sunnymead Park

#### **CITY COUNCIL GOALS**

Positive Environment. Create a positive environment for the development of Moreno Valley’s future.

#### **ATTACHMENTS**

1. Moreno Valley Animal Shelter Intake / Disposition Report – February 2014
2. Moreno Valley Animal Shelter – February 2014 – Euthanasia Statistics
3. Moreno Valley Animal Shelter – PowerPoint Presentation



Prepared By:  
Steve Fries  
Animal Services Division Manager

Department Head Approval:  
Chris Paxton  
Administrative Services Director

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**Moreno Valley Animal Shelter**  
**February 2014 – Euthanasia Statistics**

<b>Outcome Sub-Type</b>	<b>Dogs</b>	<b>Cats</b>	<b>Others</b>	<b>Total</b>
Medical/Vet Rec.	32	12	2	46
Owner Requested	0	0	0	0
Contagious Disease	44	11	0	55
Feral	0	81	0	81
Aggressive Behavior Observed	42	7	1	50
Not Adopted*	0	0	0	0
Other**	1	1	0	2
<b>Total</b>	<b>119</b>	<b>112</b>	<b>3</b>	<b>234</b>

\*Not Adopted: euthanized for considerations such as placement potential, time in shelter, humane considerations.

\*\* Other-Cats/Dogs/Others: too young/newborns-impounded w/o their mothers per Food & Agricultural Code 17006.

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# Animal Shelter Upcoming Events

## Upcoming Events March and April 2014

- Low-Cost Rabies Vaccination & Dog Licensing Clinic
  - Saturday, March 1, 2014 from 8:30 am to 11:30 am
- St. Patrick's Day
  - Saturday, March 15, Sunday, March 16 and Monday, March 17
- "Pets on Parade Expo" Paragon Park - City of Perris
  - Saturday, March 29, 2014 from 10:00 am to 3:00 pm
- "Pet in the Park" Adoption Day — Spring 2014
  - Saturday, April 12, 2014 from 9:30 am to 1:00 pm Sunnymead Park

# Animal Shelter Special Adoption Events

Bring Home a Lucky Pet

## St. Patrick's 2014

Pet Adoption Event



**Saturday, March 15**  
**Sunday, March 16**  
**Monday, March 17**

Moreno Valley  
 Animal Shelter  
 14041 Elsworth St.

Gift Certificates Available.  
 Special discounted adoption rates.

Dogs and puppies \$50  
 Cats and kittens \$25  
 Includes spay or neuter surgery, vaccines, Home Again Microchip.

*Pets adopted that have not been altered will stay for surgery and will be available to go home the afternoon of the day surgery is scheduled.*

FOR MORE INFORMATION  
 CALL 951.413.3790 OR  
 VISIT [WWW.MOVAL.ORG](http://WWW.MOVAL.ORG)

MORENO VALLEY ANIMAL SERVICES



Perris Community Services

# Pets on Parade

## Pet Expo!!

MARCH 29, 2014, 10AM-3PM  
 PARAGON PARK 264 SPECTACULAR BID.

ON-SITE LICENSING, ADOPTIONS,  
 LOW COST VACCINE CLINIC, PET SUPPLY VENDORS,  
 DEMONSTRATIONS AND MUCH, MUCH MORE

*Pet Restrictions are strictly enforced: All pets must be leashed with a capable adult, no tethers, no wild animals, no poisonous animals, etc... We are requesting the attendance of well socialized pets only. If you have any questions regarding these restrictions or if you can bring your pet please contact Perris Animal Control at 951-657-4134.*

Sign up your pet to be spay or neutered  
 Spaces are limited; make an appointment today  
 For appointments call 951-698-0242

MALE CATS \$20  
 FEMALE CATS \$40  
 MALE DOGS UNDER 70 LBS \$50  
 FEMALE DOGS UNDER 70 LBS \$65

*DOGS OVER 70 YEARS OR 70 LBS WILL NOT BE ELIGIBLE TO PARTICIPATE IN THE SPAY OR NEUTER CLINIC DUE TO HEALTH REASONS.*

FOR MORE INFORMATION contact Perris Community Services  
 Office hours Monday-Thursday 7:00am-8:00pm & Saturday 8:00am-2:00pm  
 Phone (951)943-6603 Website [www.cityofperris.org](http://www.cityofperris.org)



# Promoting the Animal Shelter

- **25' Tall Rooftop Dog Highlighting the Shelter's Location and Open on Weekends**
- **Screen Vision Advertising**
- **Street Banners**
- **Advertising – Your Villa Magazine**
- **Auto Mall Electronic Sign**
- **“Pet of the Week” – Press Enterprise**



# Animal Shelter Now Open on Weekends

 MORENO VALLEY ANIMAL SHELTER

## Now Open Weekends

Special discounts to Military  
and other discounts on Sundays

**Expanded Hours**  
**Mondays, Wednesdays & Fridays**  
9:30 a.m.-6 p.m.  
**Saturdays**  
9:30 a.m.-5 p.m.  
**Sundays**  
10:00 a.m.-5 p.m.



**We offer gift certificates!**  
Let your loved ones pick out their own new family member.



VISIT US AT 14041 ELSWORTH STREET  
OR CALL 413.3790.