

**CITY OF WILDOMAR
CITY COUNCIL REGULAR COUNCIL MEETING MINUTES
FEBRUARY 24, 2011**

CALL TO ORDER – REGULAR SESSION – 6:30 p.m.

The adjourned regular meeting of February 24, 2011, of the Wildomar City Council was called to order by Mayor Swanson at 6:30 p.m.

City Council Roll Call showed the following Members in attendance: Mayor Swanson, Mayor Pro Tem Benoit, Council Members Cashman, Moore, and Walker. Members absent: None.

Staff in attendance: Assistant City Manager Nordquist, Assistant City Attorney Jex, Public Works Director D'Zmura, Planning Director Bassi, Police Chief Fontneau, Community Services Director Willette, and City Clerk Lee.

The Flag Salute was led by Council Member Walker.

PRESENTATIONS

Chief Fontneau presented the Police Department K-9 Unit to the Council and community.

Code Enforcement Officer Kowalski presented the monthly update.

Mayor Swanson presented a book to Council Member Moore in honor of her year as Mayor.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF THE AGENDA AS PRESENTED

A MOTION was made by Council Member Moore, seconded by Mayor Pro Tem Benoit, to approve the agenda as presented.

MOTION carried, 5-0.

1.0 CONSENT CALENDAR

Council Member Cashman stated he would like to take item #1.6 separately.

A MOTION was made by Council Member Moore, seconded by Mayor Pro Tem Benoit, to approve the Consent Calendar, with the exception of item #1.6, as presented.

MOTION carried, 5-0.

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Minutes – January 25, 2011 Special Meeting

Approved the Minutes as submitted.

1.3 Warrant Registers and Payroll Register

Approved the following:

1. Warrant Register dated February 10, 2011, in the amount of \$882,386.51;
2. Warrant Register dated February 17, 2011, in the amount of \$8,996.46; and
3. Payroll Register dated February 18, 2011, in the amount of \$17,606.77.

1.4 Treasurer's Report

Received and filed the Treasurer's Report for January 2011.

1.5 Second Reading – Ordinance No. 59 Relating to Vehicle Impound Administrative Fee

Adopt an Ordinance entitled:

ORDINANCE NO. 59
AN ORDINANCE OF THE CITY OF WILDOMAR, CALIFORNIA, ADDING
CHAPTER 12.56 TO TITLE 12 ("VEHICLES AND TRAFFIC") OF THE
WILDOMAR MUNICIPAL CODE, ESTABLISHING A VEHICLE IMPOUND
ADMINISTRATIVE FEE

ITEMS REMOVED FROM THE CONSENT CALENDAR

1.6 Second Reading – Ordinance No. 60 Relating to Security for Subdivision Improvement Agreements

Council Member Cashman stated he has concerns that there is a natural time in which a subdivision is not built, that it should be looked at again. We have one from 2002 that could be coming forward soon that most people have never had an opportunity to comment on.

A MOTION was made by Mayor Pro Tem Benoit, seconded by Council Member Moore, to adopt an Ordinance entitled:

ORDINANCE NO. 60
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, AMENDING SECTIONS 16.60.010,
16.60.020, AND ADDING A NEW 16.60.030 OF THE WILDOMAR
MUNICIPAL CODE RELATING TO SECURITY FOR SUBDIVISION
IMPROVEMENT AGREEMENTS

MOTION carried, 5-0.

2.0 PUBLIC HEARINGS

2.1 An Ordinance and a Resolution Repealing the Robles Project

City Clerk Lee read the title.

Mayor Swanson opened the public hearing.

Assistant City Attorney Jex presented the staff report. The approval of this project was legally challenged and the City has reached a settlement with the opposing party. Part of the settlement agreement stipulates that the City rescind the approval of the project, which is now before the Council.

There being no speakers, Mayor Swanson closed the public hearing.

A MOTION was made by Council Member Moore, seconded by Council Member Walker, to introduce and approve first reading of an Ordinance entitled:

ORDINANCE NO. 61

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, VACATING AND REPEALING ORDINANCE NO. 54 APPROVING CHANGE OF ZONE 7440(CITY PROJECT NO. 08-0162) TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WILDOMAR FROM RURAL RESIDENTIAL (R-R) TO GENERAL COMMERCIAL (C-1/C-P) FOR A 2.28 ACRE SITE LOCATED AT THE NORTHWEST CORNER OF PALOMAR STREET AND KILGORE LANE (ASSESSOR'S PARCEL NO. 380-140-004)

MOTION carried, 5-0.

A MOTION was made by Council Member Moore, seconded by Council Member Walker, to adopt a Resolution entitled:

RESOLUTION NO. 2011 - 10
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, VACATING AND REPEALING RESOLUTION NO. 2010-59 APPROVING PLOT PLAN 22249 (City Project No. 08-0162) FOR THE DEVELOPMENT OF A 17,288 SQUARE FOOT MULTI-TENANT AUTOMOTIVE REPAIR/RETAIL CENTER (ROBLES AUTOMOTIVE CENTER) ON A 2.28 ACRE SITE LOCATED AT THE NORTHWEST CORNER OF PALOMAR STREET AND KILGORE LANE (ASSESSOR'S PARCEL NO. 380-140-004) AND ALL OTHER RELATED ACTIONS

MOTION carried, 5-0.

2.2 City of Wildomar Community Facilities District No. 2011-1

City Clerk Lee read the title.

Mayor Swanson opened the public hearing.

City Clerk Lee stated that notice of the public hearing has been given and affidavit of publication is on file in the City Clerk's Office.

Assistant City Manager Nordquist presented the staff report stating this proposal is as a result of the Blue Ribbon Committee, Staff, and the consultants. The Council has options regarding this proposal. The Council can accept the recommendation as stated in the staff report; certain modifications can be made; deny the recommendation; or continue the item to March 7. He reviewed how the park funding was stopped and

the deliberations of the Blue Ribbon Committee that the Council appointed to review the options the City has in order to obtain park funding and maintenance. The Committee looked at how the City could fund park acquisition and construction east of the I-15. He explained how bonding works, the limits of how much bonded indebtedness, and how the community could benefit from this. Also, the Committee is recommending a senior exemption to those persons, 62 or older, who own and occupy parcels in the City. He explained that the money collected can only be used for park maintenance for Tax A, and only for acquisition and construction of parks for Tax B.

SPEAKERS

Kailee Carroll, resident, stated she is seven years old and has been selling lemonade in an effort to save the parks. She wants to keep the parks open because they are fun.

Martha Bridges (with donated time from Penny Boydstud), resident, stated she is in favor of keeping the existing parks open and she voted for the original assessment and gladly paid it. However, she doesn't think the Council is looking at the long term costs and risks of a CFD which is a Mello Roos. This would encumber all parcels for 35 years. The total cost of repayment of the \$5 million at 12% over 35 years would be almost \$21.5 million. In the meantime, all the parcels would be encumbered with this. There are downfalls to Mello Roos and this stays with your parcel until it is paid off. She also objects to the senior exemption mainly because it is illegal. You can only exempt parcels and she feels it is a gimmick to get seniors to think they can approve the tax and not pay for it. She would like to know if the parkland designated on the east side of the freeway has been transferred to the City. It is her understanding that it has not and is still owned by the County. It is important that everyone know the City would have to buy land as the City presently does not have title to any land for a park. In the original assessment it did not include recreation programs and she has always objected to the programs being limited to the very small percentage of children who play organized team sports and there are little to no adult programs. She is opposed to the CFD.

Steve Beutz, resident, stated stopthemoneygrab.com will be opposing this proposal. Instead of raising taxes the City can put two cents of every dollar into a lock box to fund parks. That would be enough so the City would not have to tax. The City could also not take trips to Sacramento, Las Vegas, and Tijuana to save money as well.

John Lloyd (with donated time from Tim Underdown), resident, stated he is the Chairman of the Blue Ribbon Committee and it was his pleasure to serve the community. He stated the fundraisers throughout the City have raised about \$15,000, which is not a great deal for what is needed, but it is something that can be used for the parks. The Committee looked at many factors for this recommendation. They wanted to keep it at, or below, what was paid before and also had to be a source to keep the parks going and not just a one-time thing. A park should be built, and it should be on the east side of the freeway as there currently are no parks there. They need to be a benefit to the entire community and should be funded by the same. After all the Committee meetings, the discussions, the debates, everyone recognizes the economic times of today, but they also realized the great benefit \$28 can bring to the community. He pointed out that the bond measure does not automatically create a \$5 million debt. When the time comes, the Council will hold hearings before any bonds can be sold. When this occurs the community has an opportunity to be heard. A bond is not a bad thing, as it allows a City to grow. In fact, the property that City Hall sits on was done with a bond. The entire growth on the eastside of Clinton Keith would not have been built without bonds. Not all taxes are bad. This is a tax you have control over and a voice in, and it is not a new tax. He recommends the Council approve the Resolutions and keep the parks open.

Tracy Lobo, resident, stated she would like the news story that ran on ABC channel 7 to be shown. The clip was shown.

Scott Bradstreet, resident, stated he is new to Wildomar and is in favor of the parks bond. He related that he has a great deal of experience with parks. He offers his support and is willing to serve on any committee. The City does not have a great park base and he would like to see that get started. He urged the Council to move forward.

Chris Beatty, resident, stated the children deserve the parks. This may not be the best way tax, but she understands there needs to be a tax. She is not a property owner, but she is willing to write a check for whatever is needed for her part if it keeps the parks open. The children in Wildomar are collecting money now. At Wildomar Elementary they have a bottle in every room and the kids are putting in whatever they can in an effort to keep the parks open.

Gerald Hall, resident, stated he is in favor of the assessment. He has already made a donation of twice the money being asked for. He is on disability and still can afford this so he doesn't want to hear from other

seniors how they can't do it. We voted to become a City and have local control and that is what we have now. We need to come together as a community and keep these parks open for these kids. Everyone needs to go out there and see the numerous kids using the parks for sports. If these parks close you will start seeing graffiti everywhere. In regards to Mr. Beutz and Ms. Bridges, he has things he downloaded from the North County Times website that he is turning into the City as an official submission, a handout Mr. Beutz was handing out in the parking lot, and comments made by Ms. Bridges on a public domain. He would like the Council and City Attorney to go through these to see if there are any misleading statements given so the City can have a lawsuit against them. He is tired of them stating they are for everything and then they sue the City and cost more money than what is being asked for the parks.

Gil Rasmussen, resident, stated he is the publisher of Wildomar Magazine and is speaking on behalf of his readers. He is opposed to the proposal. He is in favor of an assessment tax for maintenance, but not for the expanded tax being asked for. His opinion is it is too confusing and will not pass. He reviewed the park assessments which have come before Wildomar in the past. This Council is relying upon the same Firm that did the County assessment that was legally challenged and found to be illegal. Should this pass, the City will again be legally challenged for the illegal senior exemption. This Council has spent nearly \$100,000 fighting medical marijuana, with more expensive litigation to come. Also, an additional \$42,000 was spent defending and ultimately surrendering regarding the approval of the Robles project.

Sheryl Ade, resident, stated she finds it ironic that the Council is asking the citizens to trust them in taking on a \$5 million bonded indebtedness, when the item just before this public hearing, was rescinding a poorly made decision on a change of zone. The Council did not take on their responsibility and instead passed it on to the Blue Ribbon Committee to make the decision. That way if the bond measure fails, they can blame the committee and those who voted no. There are other options, but the Council chose to let the committee go forward until there was no time left for other options. The Council has no other plan than Mello Roos, so if this fails, they are back to square one. Also by doing this the Council will have spent \$35,000 for an election, and \$16,000 for consultants. The property on the eastside of town was never transferred to the City from the County. Encumbering an entire City for property that doesn't belong to the City is insane. She is not against parks or an assessment. She is against a Mello Roos as there are other options.

Barbara Wilson, Sycamore Academy, stated while they were waiting to speak, she and the students did the math on the cost of the \$28 assessment. This is what they came up with: It is less than 8¢ per day; 47 cans or bottles per month recycled; and 54¢ per week. Childhood obesity is on the rise and children need a place to play. The children would want us to pay for the parks so they have a place to be kids.

Andy Morris, resident, stated he does coach Little League and Soccer. This is a great City and needs to keep its parks. Getting the 66 2/3rds vote will be difficult, especially when you have those in opposition to it. These people don't want parks, they don't want a City, and they are sending misinformation out stating this is tax grabbing. You cannot bring these people in and try to explain to them, because they are going to sue the City no matter what it does. It is unfortunate. His son said to him that he would pay the \$45 to the anti-park people out of his money so they can keep the parks open. He doesn't think that matters, because it isn't the dollar amount that these people are against. These people didn't want the City to incorporate to begin with, so they are going to make sure that it doesn't succeed. What we have to do as citizens is prove them wrong. He urged the Council to move forward with the tax. He finds it hard to believe that people can't understand \$28 and \$45.

George Taylor, resident, stated he would like to clarify the senior exemption. Every senior who owns property in Wildomar, and who resides on that property, is going to be assessed. What will happen is seniors, over the age of 62, have the ability to opt out after they have been assessed. The City would reimburse those who come to City Hall and fill out a form each year. In terms of Mello Roos, parks are a good investment, and someone has to pay for them.

Veronica Langworthy, resident, stated where she lives is in an RDA, so her property is very encumbered. When she first moved to Wildomar the parks were closed and fenced off. There were weeds, and the area was deplorable. When the assessment was passed and the parks opened, the parks were beautiful and people were using them. Also, property values bumped up a little because of the parks. She feels you get much more in value than the \$28 paid in the assessment. She is in favor of the assessment to keep improving the community. She is not sure why citizens against this aren't speaking up and sharing their solutions with the citizens regarding this. They could have been involved with the Blue Ribbon Committee, but they chose not to, so a solution was really not their point.

Daniel Chambliss and Chelsea Finch, residents, stated he would like the citizens to save the parks for the kids.

Kaylee Garner, resident, stated she is in favor of the parks and feels families could donate their time to help out with landscaping and such to help keep costs down. Her and her family will be putting together a horse play day to save the parks, and it's not just for horses. Everyone is invited to attend and she will inform the City when they have a date. She has four kids and does not want to see the parks close. She remembers when the parks were closed and fenced off. The crime rate was up and there was graffiti everywhere.

Diana Stinson, Wildomar Pop Warner & Seniors, stated she lives on the east side of town and there are no big parks there, or even little parks. She is on the Board for Wildomar Pop Warner and they use Marna O'Brien. She worked 20 years at Lake Perris and it is used by many people and their families. By taking away the parks, by saying it is unaffordable, you saying that your children are unaffordable. Whatever the cost is, she is willing to pay it. She is a senior citizen and will pay and not ask for an exemption.

Gene Trosper, resident, stated he is in opposition to the proposal tonight. Has anyone looked at unemployment and home foreclosures in the area. Everyone is tightening their belts and now is not the time to tax the citizens against their will and make financial decisions for strangers. Are the parks that important that you need to put yet another strain on people. It was said that one coffee per month is equivalent to the cost monthly for the assessment. However, people have cut that out of their budgets because they simply can't afford it. If the citizens are cutting back to the bare basics, then so should the City. It is arrogant to say it is affordable when there are those that cannot. Also, Little Leagues around the country are buying their own facilities instead of insisting everyone pay for it. Wildomar should follow suit and insist Little League find their own facility. He urged the Council to quit pitting citizen against citizen.

Mayor Swanson asked if the City received any written protests at, or before, the hearing.

City Clerk Lee answered yes, there were two received, however that is not a majority of landowners in the district, or a majority of the landowners of the exempt properties.

There being no further speakers, Mayor Swanson closed the public

comments.

Councilman Cashman inquired if the senior exemption is legal.

Neil Yeager, legal counsel regarding formation of Community Facility Districts, stated seniors have been used in CFDs, and most notably in School Districts. However, anyone can challenge anything, so he cannot state that it won't lead to litigation. This not based on property, it is based on benefit. Those properties that are exempt are exempt by class, such as Federal property, State property, Churches (now and in the future), etc. We are not exempting seniors, we are exempting property that is owned and occupied by seniors, and only when they file an exemption each year, which is a class of people. He can say he feels the senior exemption would hold up to a challenge, but he cannot guarantee it 100%.

Mayor Pro Tem Benoit inquired if it has ever been challenged.

Mr. Yeager answered to his knowledge, no, however there can always be a first time.

Councilman Cashman inquired if Tax A and Tax B could be separated on the ballot.

Shane Spicer, Webb & Associates, stated they were intentionally put together as they go hand in hand. If Tax A does not pass, but Tax B does, it defeats the purpose of why this was on the ballot to begin with. Tax A pays for the maintenance of existing parks, Tax B pays for acquiring land and building a park, but no maintenance.

Discussion ensued regarding the cost of the election; costs of the election in November 2009, and November 2010.

Councilman Cashman stated that he feels Tax A should be separated from Tax B as there would be less confusion.

Councilman Walker stated he doesn't feel Tax B will pass at this time. He thinks it should just be Tax A because it would at least give us the maintenance money we need to keep the parks open. This is not a new tax, we were paying this prior to November, 2010, and we all know it. The problem is this is being thrown at people by others in order to confuse people. It is bad that there is no park on the east side, but eventually that will come. Additionally, he does not like people making remarks about things they know nothing about. The City sent he and Mayor Pro Tem

Benoit to Sacramento to be trained on how to run a City. We go to Las Vegas to the International Conference of Shopping Centers annual conference in order to get companies to come to Wildomar to help us build a solid base in our community. They don't come to you, you have to go to them, and that's one of the biggest conferences where they are altogether in one spot. It is harmful to a City when a small group of people stop business from coming to Wildomar. Every time we try to get a company here, we get a lawsuit from these people, and he is tired of it and wants it to stop. He was elected to protect the City, and that is what he is doing, not "P.O.W." who is only protecting special interest groups.

Councilwoman Moore stated it was stated that if the assessment fails the Council would blame the Blue Ribbon Committee. She would never blame them should it not pass. These people have given their time, and with some of them, years of their time to bring parks back once already. It is now time to do it again, and once again they offered their time. They did their research, they went out into the community for input, they put the recommendation together, and she trusts their recommendation completely. She commends the Committee and fully supports the recommendations. If this does not go through, there will never be a park on the east side, ever. We need more parks in this City. This City is going to grow and these three parks are not enough. She stands by both Tax A and Tax B together.

Mayor Swanson stated she agrees completely with Councilwoman Moore's comments. She is willing to do whatever it takes to get this passed, and if that means taking Tax B off, she is willing to do that, but it will mean spending more tax dollars later to get it back on the ballot when times are better. The last speaker said we are trying to ram a tax down the throats of the citizens, but it will take 2/3rds vote to pass it, which means it's more than a simple majority of citizens who will want it. She does not have kids that use the park, but every time she drives by, there are lots of kids using the park. One day there were three Temecula school busses there visiting the park. Temecula residents pay an incredible amount in assessments for parks, yet they were at Marna O'Brien.

Mayor Pro Tem Benoit stated he feels Tax B will be difficult to pass. He would like to be able to collect funds to eventually build a park on the east side, however, he doesn't feel the support is there right now. He suggested taking Tax B off and leaving it as just Tax A.

Mayor Swanson inquired if this could be continued so that answers could

come back regarding taking Tax B off of the ballot.

Assistant City Manager Nordquist stated this could be continued to a special meeting of Monday, March 7, at 6:30 p.m. to discuss just this issue and nothing else.

Discussion ensued regarding a possible phone survey regarding the issues surrounding this proposal.

It was the consensus of the City Council to not do a phone survey.

It was suggested that the public hearing be continued to March 7, 2011 at 6:30 p.m. Staff is to bring back three options: Tax A & B (as presented); Tax A only; Tax B only.

Mr. Yeager stated if Tax A and Tax B were separated then there would have to be two rates and methods of tax for each. Staff could come back with just Tax A, and at a future time the Council could come back and then amend the District.

Discussion ensued regarding splitting Tax A and Tax B.

Assistant City Manager Nordquist stated if Tax B passed, and Tax A didn't, you could go purchase land and build a park, but you would have no way to maintenance the new park because Tax A didn't pass. It doesn't make sense to split them. Without Tax A you cannot do Tax B.

It was the consensus of the City Council not to split Tax A and Tax B.

Assistant City Manager Nordquist stated you could put two measure on the ballot, one being Tax A & Tax B, and one that would be just Tax A.

It was the consensus of the City Council for staff to bring two proposals on March 7, one being Tax A & B, and one for just Tax A.

A MOTION was made by Councilman Walker, seconded by Councilman Cashman, to continue Resolution No. 2011-11 to the special meeting of March 7, 2011, at 6:30 p.m.

RESOLUTION NO. 2011 - 11
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, DETERMINING THE VALIDITY OF
PRIOR PROCEEDINGS; ESTABLISHING COMMUNITY

FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF THE CITY OF WILDOMAR; AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN SAID COMMUNITY FACILITIES DISTRICT; ESTABLISHING AN APPROPRIATIONS LIMIT; AND TAKING CERTAIN OTHER ACTIONS RELATING TO SAID COMMUNITY FACILITIES DISTRICT

MOTION carried, 5-0.

A MOTION was made by Councilman Walker, seconded by Councilman Cashman, to continue Resolution No. 2011-12 to the special meeting of March 7, 2011, at 6:30 p.m.

RESOLUTION NO. 2011 - 12
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2011-1 (WILDOMAR PARKS) OF THE CITY OF WILDOMAR DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$5,000,000 WITHIN SAID COMMUNITY FACILITIES DISTRICT

MOTION carried, 5-0.

A MOTION was made by Councilman Walker, seconded by Councilman Cashman, to bring back options: Tax A alone; Tax A & B together, both with the senior exemption left in.

MOTION carried, 5-0.

At 8:50 p.m. the City Council recessed.

At 8:55 p.m. the City Council reconvened into open session with all Council Members present.

3.0 GENERAL BUSINESS

3.1 Calling a Special Election

City Clerk Lee stated that since the previous item regarding the proposed ballot measure was continued, and this item would call the election, then this item would also need to be continued to the same date.

A MOTION was made by Mayor Pro Tem Benoit, seconded by Council Member Walker, to continue Resolution No. 2011-13 to March 7, 2011.

RESOLUTION NO. 2011 - 13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 7, 2011, FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2011-1 AND REQUESTING THE COUNTY TO CONSOLIDATE THE ELECTION WITH THE STATEWIDE ELECTION TO BE HELD ON THAT DATE

MOTION carried, 5-0.

A MOTION was made by Mayor Pro Tem Benoit, seconded by Council Member Walker, to continue Resolution No. 2011-14 to March 7, 2011.

RESOLUTION NO. 2011 - 14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AUTHORIZING AND SETTING PRIORITIES FOR FILING OF WRITTEN ARGUMENTS REGARDING THE BALLOT MEASURE TO BE PLACED ON THE BALLOT FOR THE JUNE 7, 2011 SPECIAL ELECTION; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AND REPEALING RESOLUTION NO. 09-53

MOTION carried, 5-0.

3.2 Save Our Parks Update

City Clerk Lee read the title.

Assistant City Manager Nordquist presented the staff report stating that a Town Hall meeting was scheduled for March 5 as an informational meeting for the Measure. Since the item is continued, the meeting will be March 12.

Community Services Director Willette stated there will be a fundraiser for teens on May 6 and explained all the activities that will be available.

Assistant City Manager Nordquist stated the Blue Ribbon Committee will meet one more time and then they will disband.

**3.3 Western Riverside Council of Governments (WRCOG) AB811
Augmentation of Financing Program Authorization**

City Clerk Lee read the title.

Assistant City Manager Nordquist presented the information contained in the staff report.

Mayor Pro Tem Benoit stated he has seen this project through WRCOG and also through one of his clients who is a solar power company in the desert. He feels this is a good program for homeowners who wish to go to solar power.

Barbara Spoonhour, WRCOG, stated they will come to the Council in April to provide a full program update. She gave a brief overview of how the program works and how the cities fit into this program.

A MOTION was made by Mayor Pro Tem Benoit, seconded by Council Member Moore, to adopt a Resolution entitled:

RESOLUTION NO. 2011 - 15
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, MODIFYING ITS CONSENT TO THE INCLUSION OF
PROPERTIES WITHIN THE CITY'S INCORPORATED AREA IN THE
WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS
CONTRACTUAL ASSESSMENT PROGRAM TO CONSENT TO THE
ADDITION OF WATER EFFICIENCY IMPROVEMENTS TO THE
IMPROVEMENTS AUTHORIZED TO BE FINANCED THROUGH SUCH
PROGRAM

MOTION carried, 5-0.

**3.4 Award a Construction Contract for Sidewalks to Schools
Improvement Project (CIP 09-0014)**

City Clerk Lee read the title.

Public Works Director D'Zmura presented the staff report stating there is an updated staff report that was presented to the Council. This was necessitated because a protest letter was submitted to the City after the posting of the agenda. He then read the new staff report verbatim.

Councilman Cashman stated he would like to be advised of any historic

trees that may be removed for this project. They may be able to be saved.

Public Works Director D’Zmura stated there will be an arborist involved in the project and there are no plans to remove any trees, but should there be, the City Council will be advised.

Mayor Pro Tem Benoit stated is there something we can give those around Ronald Reagan Elementary School explaining why we couldn’t get that project in this bid. Also, are we going to lose funding since we couldn’t get that done this time.

Public Works Director D’Zmura answered the City could not get the needed right-of-way for that project. Trying to get the right-of-way from the property owner has been problematic and that’s why it was pulled from this project. There is a Phase II to the sidewalk project and the City’s goal is to obtain the right-of-way by the time that phase comes around.

Mayor Pro Tem Benoit inquired if the unused funds for this phase are going to be lost, or if the City can retain those funds.

Public Works Director D’Zmura answered the City will be asking Caltrans and the County if the funds can be put toward the next phase. There will definitely be unused funds also because the bids came in so low. We have to finish the project first and close it out before we can do anything.

Mayor Swanson inquired if there are any speakers.

City Clerk Lee answered there are no speakers.

A MOTION was made by Mayor Pro Tem Benoit, seconded by Councilwoman Moore, to authorize the City Manager to execute a construction contract with STI in the amount of \$198,987.55 for the Sidewalks to Schools Improvement Project, Central Street Area Improvements (CIP 09-0014), including for the City Engineer to approve change orders not to exceed 10% of the contract amount.

MOTION carried, 5-0.

3.5 Proposal to Provide Interim Management Services to the Wildomar Cemetery District

City Clerk Lee read the title.

Assistant City Manager Nordquist presented the staff report.

Gil Rasmussen, Wildomar Cemetery District President, stated Assistant City Manager Nordquist made a presentation to the Board of Trustees of the Cemetery District. The Board voted to accept the proposal.

Councilman Walker stated as he reads the report, is the \$4,000 per month coming out of the General Fund.

Assistant City Manager Nordquist answered the Cemetery District will be paying the City \$4,000 per month for the management services.

A MOTION was made by Mayor Pro Tem Benoit, seconded by Councilman Cashman, to authorize the City Manager to enter into an agreement and sign the required documents for the City to provide management services on an interim basis to the Wildomar Cemetery District.

MOTION carried, 5-0.

CITY MANAGER REPORT

There was nothing to report.

CITY ATTORNEY REPORT

There was nothing to report.

COUNCIL COMMUNICATIONS

Councilman Cashman stated he and Mayor Swanson met as the Intergovernmental Subcommittee to talk about the Cemetery District and the result is what was on the agenda for this meeting.

Councilwoman Moore stated she attended the RTA meeting earlier. They did approve the Go Pass Program. She and Mayor Swanson will be at Donald Graham Elementary School tomorrow for the Pennies for Parks fundraiser they did. Also, there was an editorial in the Californian regarding the proposed parks measure. She then read the last two sentences of the editorial.

Mayor Pro Tem Benoit stated he attended a ground breaking ceremony with RCTC for the I-215 interchange project. It expands the freeway to three lanes from the I-215/I-15 interchange to Scott Road. There is a little bit of anxiety with Menifee because their half of the project is not coming along as well as they would like.

Mayor Swanson stated she received an invitation from Sycamore Academy. They are having an Open House on March 16, at 5:30 p.m. and they would like to have Council Members attend.

FUTURE AGENDA ITEMS

- *Autism awareness presentation
- *Subdivision Map Act education

ADJOURNMENT

There being no further business, Mayor Swanson declared the meeting adjourned at 9:34 p.m.

Approved by:

Submitted by:

Marsha Swanson
Mayor

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR CITY COUNCIL
Agenda Item #1.3
CONSENT CALENDAR
Meeting Date: March 23, 2011

TO: Mayor and City Council Members
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Warrant Registers dated March 10 & March 17, 2011 and Payroll Register dated March 18, 2011

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council approve the following:

1. Warrant Register dated March 10, 2011 in the amount of \$81,485.97;
2. Warrant Register dated March 17, 2011 in the amount of \$362,480.77; and
3. Payroll Register dated March 18, 2011 in the amount of \$17,704.78.

BACKGROUND:

The City of Wildomar requires that the City Council audit payments of demands and direct the City Manager to issue checks. The Warrant and Payroll Registers are submitted for approval.

FISCAL IMPACT:

These Warrant and Payroll Registers will have a budgetary impact in the amount noted in the recommendation section of this report. These costs are included in the Fiscal Year 2010-11 Budget.

Submitted by:

Approved by:

Gary Nordquist
Assistant City Manager

Frank Oviedo
City Manager

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Voucher List
City of Wildomar

Page: 1

Bank code : wf

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200342	3/10/2011	000033 AMERICAN FORENSIC NURSES	59556 59571		BLOOD DRAW BLOOD DRAW	41.08 82.16 Total : 123.24
200343	3/10/2011	000008 AT&T MOBILITY	2282011		COUNCIL MOBILE PHONES 1/21-2/	355.49 Total : 355.49
200344	3/10/2011	000034 BIO-TOX LABORATORIES	22830 22931		RC SHERIFF- LAB SERVICES RC SHERIFF- LAB SERVICES	222.91 592.80 Total : 815.71
200345	3/10/2011	000047 COUNTY OF RIVERSIDE, SHERIFF'S DEI SH0000016083			BOOKING FEE JANUARY 2011	888.57 Total : 888.57
200346	3/10/2011	000035 COUNTY OF RIVERSIDE, TLMA	TL-0000007683 TL-0000007698 TL-0000007766		OCTOBER 2010 SLF COSTS NOVEMBER 2010 SLF COSTS DECEMBER 2010 SLF COSTS	39.23 83.78 591.40 Total : 714.41
200347	3/10/2011	000011 CR&R INC.	0249923		DUMP & RETURN / DISPOSAL FEE	402.69 Total : 402.69
200348	3/10/2011	000041 CTAI PACIFIC GREENSCAPE	19437 19449 19462		PARK MAINTENANCE FEB 2011 CERVERA MAINT. FEB 2011 CERVERA IRRIGATION REPAIR FEI	3,800.00 460.00 115.50 Total : 4,375.50
200349	3/10/2011	000036 DATAQUICK	B1-1910157		CODE ENF. SOFTWARE 2/1-2/28/11	180.86 Total : 180.86
200350	3/10/2011	000022 EDISON	3211		CSA 103 ELECTRICAL 2/1-3/1/11	34.55 Total : 34.55
200351	3/10/2011	000012 ELSINORE VALLEY MUNICIPAL, WATER	4832424 4832425 4832426		WINDSONG WATER SRVCS 1/21-2/ CSA 103 WATER SRVCS 1/21-2/24/ CSA 103 WATER SRVCS 1/21-2/24/	251.39 164.57 148.52

Page: 1

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Voucher List
City of Wildomar

Page: 2

Bank code : wf

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200351	3/10/2011	000012	000012 ELSINORE VALLEY MUNICIPAL, WA	(Continued)		Total : 664.48
200352	3/10/2011	000203	EMBROIDERY & MORE	2364	CODE ENF. STAFF SHIRTS	19.58
						Total : 19.58
200353	3/10/2011	000016	INNOVATIVE DOCUMENT SOLUTIONS	100130	COPIER SRVCS 2/1-2/28/11	259.11
						Total : 259.11
200354	3/10/2011	000079	LAN WAN ENTERPRISE	39595	MAINT. CONTRACT MARCH 2011	450.00
						Total : 450.00
200355	3/10/2011	000147	MARATHON REPROGRAPHICS	61778	MAPS & COPIES	41.87
						Total : 41.87
200356	3/10/2011	000028	PROTECTION RESCUE SECURITY, SER	11-032-F 11-084-F	PARK SECURITY SRVCS 1/1-1/31/11 PARK SECURITY SERVICES 2/1-2/2	425.00 425.00
						Total : 850.00
200357	3/10/2011	000042	PV MAINTENANCE, INC.	005-118 005-118SR	PUB WORKS SRVCS JAN 2011 PUB WORKS SRVCS JAN 2011 (ST)	35,383.50 29,452.34
						Total : 64,835.84
200358	3/10/2011	000006	WELLS FARGO PAYMENT REMITTANCE	08041740	CONFERENCING CALL - OFFICE JA	19.99
				12011	TRAVEL EXPENSE- LEAGUE OF CA	121.75
				12011	EMERGENCY OFFICE CENTER SU	307.15
				12111	TRAVEL EXPENSE- LEAGUE OF CA	15.18
				12111	TRAVEL EXPENSE- LEAGUE OF CA	36.00
				12111	TRAVEL EXPENSE- LEAGUE OF CA	245.88
				12111	TRAVEL EXPENSE- LEAGUE OF CA	590.19
				12111	PLANNING DEPT. OFFICE SUPPLIE	56.20
				121111A	TRAVEL EXPENSE- COUNCIL LEA	639.19
				12111B	TRAVEL EXPENSE- COUNCIL LEA	539.19
				12411	COUNCIL CHAMBERS SUPPLIES	21.74
				12611	OFFICE SUPPLIES	175.24
				12511	SMOKE DETECTOR PROGRAM SUI	611.45
				12511	CITY COUNCIL MEETING SUPPLIE	6.98
				12511	CITY COUNCIL MEETING SUPPLIE	110.76
				12611	OFFICE FIRST AID KIT SUPPLIES	21.00

Page: 2

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Voucher List
City of Wildomar

Page: 3

Bank code : wf

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
200358	3/10/2011	000006	WELLS FARGO PAYMENT REMITTANCE (Continued)				
			2111		MEETING/OFFICE SUPPLIES	109.69	
			21111		MEETING SUPPLIES	57.58	
			21111		OFFICE SUPPLIES	73.82	
			21411		STAFF NAME PLATES	17.40	
			21411		NON DEPT. OFFICE SUPPLIES	54.58	
			21411		PARK GRAFFITI REMOVAL SUPPLI	16.10	
			21411A		PARK GRAFFITI REMOVAL SUPPLI	74.40	
			21811		FIRE STATION EXPENSE	898.50	
			2211		OFFICE SUPPLIES	89.14	
			2211		FINANCE DEPT. OFFICE SUPPLIES	26.33	
			2411		FIRE STATION EXPENSE	144.32	
			2711		CITY COUNCIL MEETING SUPPLIES	8.04	
			2811		FIRE STATION EXPENSE	63.29	
			2911		CITY COUNCIL NAME BADGES	17.40	
			2911		OFFICE SUPPLIES	89.29	
			5210210063		FIRE STATION EXPENSE	59.60	
			B67184/3		PARK SUPPLIES	25.80	
					Total :	5,244.07	
200359	3/10/2011	000078	WILDOMAR AWARDS AND TROPHIES				
			WAT0000029		ADULT SOFTBALL STAFF 1/1-1/31/1	780.00	
			WAT0000032		ADULT SOFTBALL STAFF 2/1-2/28/1	550.00	
					Total :	1,330.00	
18 Vouchers for bank code : wf						Bank total :	81,485.97
18 Vouchers in this report						Total vouchers :	81,485.97

Page: 3

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Voucher List
City of Wildomar

Page: 1

Bank code : wf

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200360	3/17/2011	000032 A BETTER PARTY, INC.	26453		STAGE RENTAL- PARK INFO MTNG	442.50
					Total :	442.50
200361	3/17/2011	000044 A&A JANITORIAL SERVICES	1635		MARNA JANITORIAL SRVCS MARCI	570.00
					Total :	570.00
200362	3/17/2011	000031 AFLAC, REMITTANCE PROCESSING, CE 351815			MEDICAL INS. BENEFITS APRIL 201	475.45
					Total :	475.45
200363	3/17/2011	000149 COUNTY OF RIVERSIDE	31011		ANIMAL SHELTER SRVC BILLING F	56,841.00
					Total :	56,841.00
200364	3/17/2011	000047 COUNTY OF RIVERSIDE, SHERIFF'S DEI SH0000016042			CONTRACT LAW ENF. 12/16/10-1/1	271,158.29
					Total :	271,158.29
200365	3/17/2011	000058 DEPARTMENT OF JUSTICE	836085 836105		BLOOD ALCOHOL ANALYSES MAY ; BLOOD ALCOHOL ANALYSES JULY	105.00 175.00
					Total :	280.00
200366	3/17/2011	000075 DOGGIE WALK BAGS, INC.	0021842-IN		PARK DISPENSER BAGS	282.64
					Total :	282.64
200367	3/17/2011	000022 EDISON	31011 31011A 3911 3911A 3911B		ZONE 73 ELECTRICAL 2/1-3/1/11 CSA 142 ELECTRICAL 2/1-3/1/11 CITY LAMPS ELECTRIC 2/1-3/1/11 CSA 22 ELECTRICAL 2/1-3/1/11 CSA 103 ELECTRICAL 2/1-3/1/11	57.45 2,029.71 380.00 3,028.82 13,153.67
					Total :	18,649.65
200368	3/17/2011	000237 ELKS LODGE #2591	31611		STATE OF THE CITY CATERING DEI	500.00
					Total :	500.00
200369	3/17/2011	000079 LAN WAN ENTERPRISE	39668		LABOR - RESTORE COMPUTER	300.00
					Total :	300.00
200370	3/17/2011	000113 LEAGUE OF CALIFORNIA CITIES	3111		2011 ANNUAL MEMBERSHIP DUES	100.00

Page: 1

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Voucher List
City of Wildomar

Page: 2

Bank code : wf

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200370	3/17/2011	000113	000113 LEAGUE OF CALIFORNIA CITIES	(Continued)		Total : 100.00
200371	3/17/2011	000240	NANETTE SEMAN	33411	ANNUAL BACKFLOW TEST/REPAIR	854.50
						Total : 854.50
200372	3/17/2011	000018	ONTRAC	7067639	OVERNIGHT DELIVERY SRVCS	30.51
						Total : 30.51
200373	3/17/2011	000053	REPUBLIC ITS	RI-106399 RI-106842	TRAFFIC SIGNAL MAINT FEB 2011 TRAFFIC SIGNAL RESPONSE FEB ;	1,835.00 810.79
						Total : 2,645.79
200374	3/17/2011	000239	SEVILLA, MICHAEL	3111	DEVELOPER DEPOSIT REFUND 10	931.51
						Total : 931.51
200375	3/17/2011	000241	SOUTHWEST SIGN MAINTENANCE,INC	22411	DEVELOPER PROJECT REFUND 10	324.68
						Total : 324.68
200376	3/17/2011	000242	SWRCB FEES	WD-0052829	FY 10/11 MUNICIPAL STORM WATR	5,400.00
						Total : 5,400.00
200377	3/17/2011	000020	VERIZON	3111 3111A	PHONE CHRGS 3/1-3/31/11 OFFICE PHONE CHRGS 3/1-3/31/11	35.69 596.98
						Total : 632.67
200378	3/17/2011	000238	WILBUR, KIM & JAMES	22811	DEVELOPER DEPOSIT REFUND 10	2,061.58
						Total : 2,061.58
19 Vouchers for bank code : wf						Bank total : 362,480.77
19 Vouchers in this report						Total vouchers : 362,480.77

Page: 2

City of Wildomar
Payroll Warrant Register
March 18, 2011

<u>ACH Date</u>	<u>Payee</u>	<u>Description</u>	<u>Amount</u>
3/18/2011	Payroll People	2/26-3/11/11 Staff	17,704.78
		TOTAL	17,704.78

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.4
CONSENT CALENDAR
Meeting Date: March 23, 2011

TO: Mayor and City Council Members
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Treasurer's Report, February 2011

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council approve the Treasurer's Report for February, 2011.

BACKGROUND/DISCUSSION:

Attached is the Treasurer's Report for Cash and Investments for the month of February 2011.

FISCAL IMPACTS:

None at this time.

Submitted by:

Approved by:

Gary Nordquist
Assistant City Manager

Frank Oviedo
City Manager

ATTACHMENTS:

Treasurer's Report

CITY OF WILDOMAR
 TREASURER'S REPORT FOR
 CASH AND INVESTMENT PORTFOLIO
February 2011

CITY CASH

<u>FUND</u>	<u>ACCOUNT</u>	<u>INSTITUTION</u>	<u>BALANCE</u>	<u>RATE</u>
All	All	WELLS FARGO	\$ 2,799,932.03	0.00%
		TOTAL	\$ 2,799,932.03	

<u>FUND</u>	<u>ACCOUNT</u>	<u>INSTITUTION</u>	<u>BEGINNING BALANCE</u>	<u>+ DEPOSITS</u>	<u>(-) WITHDRAWALS</u>	<u>ENDING BALANCE</u>	<u>RATE</u>
All	All	WELLS FARGO	\$ 2,661,091.42	\$ 1,247,403.24	\$ (1,108,562.63)	\$ 2,799,932.03	0.000%
		TOTAL	\$ 2,661,091.42	\$ 1,247,403.24	\$ (1,108,562.63)	\$ 2,799,932.03	

CITY INVESTMENT

<u>FUND</u>	<u>ISSUER</u>	<u>BOOK VALUE</u>	<u>FACE VALUE</u>	<u>MARKET VALUE</u>	<u>PERCENT OF PORTFOLIO</u>	<u>DAYS TO MAT.</u>	<u>STATED RATE</u>
All	LOCAL AGENCY INVESTMENT FUND	\$ 1,528,060.08	\$ 1,528,060.08	\$ 1,528,060.08	100.00%	0	0.512%
	TOTAL	\$ 1,528,060.08	\$ 1,528,060.08	\$ 1,528,060.08	100.00%		

CITY - TOTAL CASH AND INVESTMENT \$ 4,327,992.11

CITY INVESTMENT

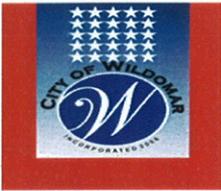
<u>FUND</u>	<u>ISSUER</u>	<u>BEGINNING BALANCE</u>	<u>+ DEPOSITS/ PURCHASES</u>	<u>(-) WITHDRAWALS/ SALES/ MATURITIES</u>	<u>ENDING BALANCE</u>	<u>STATED RATE</u>
All	LOCAL AGENCY INVESTMENT FUNDS	\$ 1,528,060.08	\$ 0.00	\$ 0.00	\$ 1,528,060.08	0.512%
	TOTAL	\$ 1,528,060.08	\$ 0.00	\$ 0.00	\$ 1,528,060.08	

In compliance with the California Code Section 53646, as the Director of Finance/ City Treasurer of the City of Wildomar, I hereby certify that sufficient investment liquidity and anticipated revenues are available to meet the City's expenditure requirements for the next six months and that all investments are in compliance to the City's Statement of Investment Policy.

I also certify that this report reflects all Government Agency pooled investments and all City's bank balances.

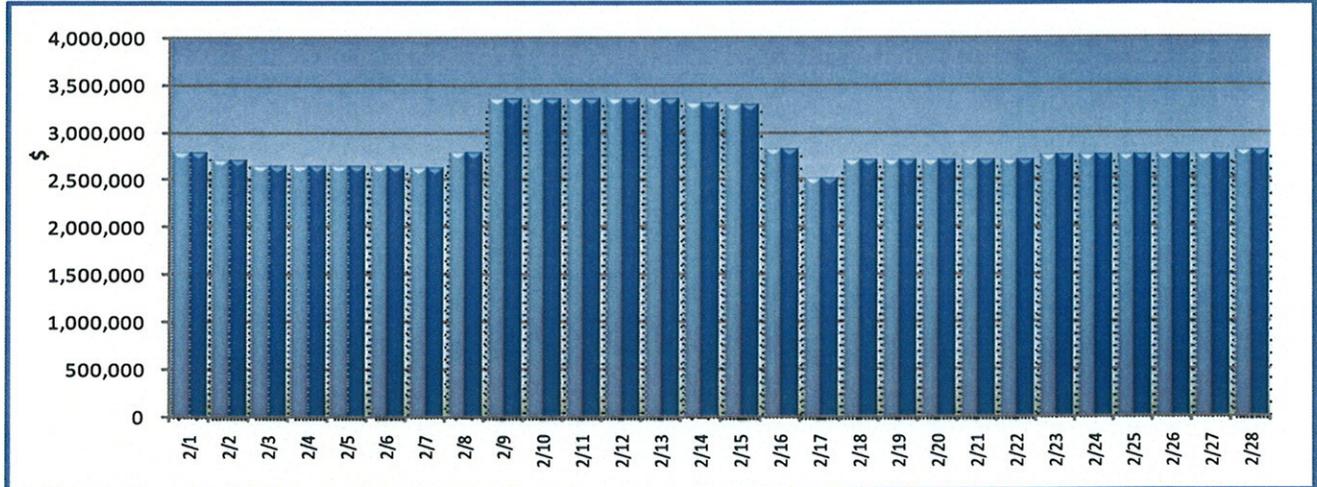
 Gary Nordquist
 ACM Finance & Administration /
 City Treasurer

 Date



February 2011

Daily Cash Balance All Funds Checking Only Pool Report Balance



February 2011

Fiscal Year	Ending Balance	Monthly Net Activity
July 2008	\$ 20,855	\$ 20,855
Aug 2008	2,297,920	2,277,065
Sept 2008	2,402,083	104,163
Oct 2008	2,340,436	(61,647)
Nov 2008	2,203,169	(137,267)
Dec 2008	747,664	(1,455,505)
Jan 2009	826,502	78,838
Feb 2009	733,251	(93,251)
Mar 2009	571,857	(161,394)
April 2009	644,285	72,428
May 2009	687,746	43,461
June 2009	1,266,750	579,004
July 2009	2,027,072	760,322
Aug 2009	4,745,827	2,718,755
Sept 2009	4,201,825	(544,002)
Oct 2009	3,674,234	(527,592)
Nov 2009	3,098,110	(576,124)
Dec 2009	2,963,884	(710,350)
Jan 2010	2,801,810	(296,300)
Feb 2010	2,919,794	117,984
Mar 2010	2,397,718	(522,076)
April 2010	3,239,669	841,951
May 2010	3,200,801	(38,868)
June 2010	3,159,501	(41,300)
July 2010	3,008,802	(150,699)
Aug 2010	3,860,503	851,700
Sept 2010	3,069,412	(791,091)
Oct 2010	2,992,344	(77,068)
Nov 2010	2,365,924	(626,420)
Dec 2010	3,199,019	833,094
Jan 2011	2,661,091	(537,927)
Feb 2011	2,799,932	138,841

Date	Ending Balance in Whole \$	Net Change from Prior Day
2/1	2,797,203	-
2/2	2,713,438	(83,765)
2/3	2,642,754	(70,684)
2/4	2,647,415	4,661
2/5	2,647,415	-
2/6	2,647,415	-
2/7	2,635,062	(12,354)
2/8	2,785,749	150,687
2/9	3,350,185	564,437
2/10	3,358,618	8,432
2/11	3,354,607	(4,011)
2/12	3,354,607	-
2/13	3,354,607	-
2/14	3,313,555	(41,051)
2/15	3,288,435	(25,120)
2/16	2,824,117	(464,318)
2/17	2,514,346	(309,771)
2/18	2,710,418	196,072
2/19	2,710,418	-
2/20	2,710,418	-
2/21	2,710,418	-
2/22	2,707,918	(2,500)
2/23	2,758,067	50,149
2/24	2,764,039	5,971
2/25	2,763,802	(237)
2/26	2,763,802	-
2/27	2,763,802	-
2/28	2,799,932	36,130

CITY OF WILDOMAR – COUNCIL
Agenda Item #1.5
CONSENT CALENDAR
Meeting Date: March 23, 2011

TO: Mayor and City Council Members
FROM: Frank Oviedo, City Manager
SUBJECT: Riverside Conservation Authority Membership Amendment

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council approve the fourth amended and restated joint exercise of powers agreement creating the Western Riverside County Regional Conservation Authority.

BACKGROUND:

The Western Riverside County Regional Conservation Authority (RCA) was established in 2004 to implement the Multiple Species Habitat Conservation Plan (MSHCP). Much like when the City of Wildomar incorporated our city had to be added as a member agency so we could be included in the governance of the MSHCP.

Eastvale became a City on October 1, 2010. Their jurisdictional boundaries fall within the RCA's MSHCP land area and therefore are eligible to be members of the RCA. On February 7, 2010 the RCA Board approved the fourth amended and restated joint exercise of powers agreement creating the Western Riverside County Regional Conservation Authority. This in effect took the first action to have the City of Eastvale included as a member agency. As a result, now all the existing member agencies must approve the same agreement for Eastvale's membership to go into effect. The current members include:

County of Riverside
City of Banning
City of Beaumont
City of Calimesa
City of Canyon Lake
City of Corona
City of Hemet
City of Lake Elsinore
City of Menifee
City of Moreno Valley
City of Murrieta
City of Norco

City of Perris
City of Riverside
City of San Jacinto
City of Temecula
City of Wildomar

The recommendation from staff is to follow the RCA lead and adopt the fourth amended and restated joint exercise of powers agreement creating the Western Riverside County Regional Conservation Authority.

FISCAL IMPACT:

There is no fiscal impact to the City of Wildomar by taking these actions.

Submitted and Approved By:

Frank Oviedo
City Manager

ATTACHMENTS:

Amended RCA Agreement

1 **FOURTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT**
2 **CREATING THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION**
3 **AUTHORITY**

4 This Joint Powers Agreement dated _____, 2011 is made by and
5 between the COUNTY OF RIVERSIDE, and the Cities of BANNING, BEAUMONT,
6 CALIMESA, CANYON LAKE, CORONA, EASTVALE, HEMET, LAKE ELSINORE,
7 MENIFEE, MORENO VALLEY, MURRIETA, NORCO, PERRIS, RIVERSIDE, SAN
8 JACINTO, TEMECULA and WILDOMAR, hereinafter sometimes referred to collectively
9 as "Parties," for the purpose of acquiring, administering, operating and maintaining land
10 and facilities for ecosystem conservation and habitat reserves for certain rare,
11 threatened and endangered species covered by the Western Riverside County Multiple
12 Species Habitat Conservation Plan, hereinafter referred to as the "MSHCP."

13 **RECITALS**

14 WHEREAS, the Cities and the County, hereinafter sometimes jointly referred to
15 as "Parties", are authorized and empowered to contract with each other for the joint
16 exercise of powers pursuant to Article 1, Chapter 5, Division 7, Title 1 (commencing with
17 Section 6500) of the Government Code of the State of California, hereinafter referred to
18 as "the Act"; and

19 WHEREAS, the County and the Cities each have the authority and power to
20 prepare and implement habitat conservation plans for the protection of rare, threatened
21 and endangered species, and to acquire, own, maintain and operate habitat reserves for
22 such species in connection with said habitat conservation plans; and

23 WHEREAS, the formation of a single public agency would most efficiently serve
24 the interests of the County and Cities by allowing the County and the Cities to jointly
25 exercise the aforementioned powers; and

26 WHEREAS, the County in consultation with the Cities has prepared the MSHCP;
27 and

28 WHEREAS, the County and the Cities desire to organize themselves pursuant to

1 this Joint Powers Agreement, hereinafter referred to as the "Agreement", to implement
2 the MSHCP should the MSHCP ultimately be approved by the County and Cities; and

3 WHEREAS, the original Joint Powers Agreement was dated January 27, 2004
4 and was entered into between the County of Riverside and fourteen (14) cities in
5 western Riverside County; and

6 WHEREAS, the Cities of Menifee and Wildomar became member agencies on
7 April 7, 2009; and

8 WHEREAS, the parties and the City of Eastvale desire that the City of Eastvale
9 become a member of the Western Riverside County Regional Conservation Authority.

10 NOW, THEREFORE, for and in consideration of the mutual covenants and
11 conditions hereinafter stated, the Parties hereto agree as follows:

12 **Section 1. Purpose.** The purpose of this Agreement is to create a public
13 agency to acquire, administer, operate and maintain land and facilities to establish
14 habitat reserves for the conservation and protection of species covered by the MSHCP
15 and to implement the MSHCP in the event the MSHCP is approved by the County and
16 Cities and appropriate permits are issued by the U.S. Fish and Wildlife Service and the
17 California Department of Fish and Game.

18 Additionally, this Agreement shall permit the financing of public capital
19 improvements and those purposes permitted under the Marks-Roos Local Bond Pooling
20 Act of 1985, being Article 4 (commencing with Section 6584) of Chapter 5, Division 7,
21 Title 1 of the California Government Code (the "Bond Law").

22 **Section 2. Creation of the Authority.** Pursuant to the Act and the Bond Law,
23 there is hereby created a public agency to be known as the "Western Riverside County
24 Regional Conservation Authority," hereinafter referred to as the "RCA." The RCA shall
25 be a public agency, separate and apart from its members, and as provided by law and
26 not otherwise prohibited by this Agreement, shall be empowered to take such actions as
27 may be necessary or desirable to implement and carry out the purposes of this
28 Agreement.

1 **Section 3. Powers.** In carrying out the purpose of this Agreement, the RCA
2 shall have the following powers:

- 3 A. To make and enter into contracts;
- 4 B. To employ agents, consultants, attorneys and employees;
- 5 C. To acquire property, and any interest in property, both real and personal by
6 purchase, gift, option, grant, bequest, devise or otherwise, and hold and
7 dispose of such property;
- 8 D. To conduct and direct studies and to develop and implement plans to
9 complement, modify or supplement the MSHCP;
- 10 E. To incur debts, liabilities, and obligations;
- 11 F. To sue and be sued in its own name;
- 12 G. To employ reserve managers and other personnel to operate, maintain, and
13 administer the habitat reserves established through implementation of the
14 MSHCP;
- 15 H. To be an applicant, make applications for, and receive grants from
16 governmental and private entities and to participate in State bond issues;
- 17 I. To prepare project reports and applications, to qualify for grants, and to enter
18 into grant contracts and to do all other things necessary to comply with State
19 and Federal laws and regulations with respect to grants;
- 20 J. To borrow or receive advances of funds from its members or from such other
21 sources as may be permitted by law;
- 22 K. To contract with its members and other entities who operate or will operate the
23 habitat reserves established through implementation of the MSHCP;
- 24 L. To issue bonds, notes, warrants and other evidences of indebtedness to
25 finance costs and expenses to carry out the powers of the RCA;
- 26 M. To acquire, hold, and dispose of equipment;
- 27
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- 1 N. To lobby state and federal governments and their officials as well as private
2 entities to obtain funding for implementation of the MSHCP and employ
3 individuals or entities to conduct such lobbying activities on its behalf; and
4 O. To exercise the powers granted to it under the Act, including, but not limited to,
5 the Bond Law and the powers common to each member, as may be necessary
6 to accomplish the purposes of this Agreement.
7 P. To invest money in the treasury pursuant to Section 6505.5 of the Act that is not
8 required for the immediate necessities of the Authority, as the Authority
9 determines is advisable, in the same manner and upon the same conditions as
10 local agencies, pursuant to Section 53601 of the California Government Code.

11 **Section 4. Term.** The term of this Agreement shall continue until terminated by
12 the Parties hereto by their mutual written consent as set forth in Section 5 of this
13 Agreement.

14 **Section 5. Termination, Withdrawal and Amendment.**

15 A. This Agreement shall be automatically terminated and considered null and
16 void in the event the MSHCP is not approved by the County and the Cities or
17 appropriate permits are not issued by the U.S. Fish and Wildlife Service and the
18 California Department of Fish and Game.

19 B. Any Party to this Agreement may withdraw for any reason upon giving all
20 other Parties sixty (60) days advance written notice of the effective date of such
21 withdrawal. This Agreement shall thereupon be deemed automatically amended to
22 reflect the withdrawal of said Party from the RCA and this Agreement. Upon withdrawal
23 of any Party from the RCA and this Agreement, the withdrawing Party shall not receive
24 any distribution, partial or otherwise, of any cash or other assets of the RCA.

25 C. Provided there is mutual consent by the governing bodies of each of the
26 Parties to this Agreement, evidenced in writing, this Agreement may be: (1) amended to
27 add new Parties; or (2) amended to change any portion of this Agreement. Alternatively,
28 any Western Riverside County city may become a party to the Authority upon such terms

1 and conditions as established by the Board or Executive Committee. Any Western
2 Riverside County city shall become a party to the Authority by the adoption by the city
3 council of this Agreement and the execution of a written addendum to this Agreement
4 agreeing to the terms of this Agreement and agreeing to any additional terms and
5 conditions that may be established by the Board or Executive Committee.

6 D. The Parties to this Agreement specifically agree that this Agreement creates
7 an entity which may acquire or hold property. Pursuant to California Government Code
8 Sections 6511 and 6512, upon completion of the purposes of this Agreement or upon
9 termination thereof, any property or assets acquired or surplus money on hand which
10 was obtained pursuant to this Agreement and which is not required by law or contract to
11 be distributed in a different manner, may be returned to the then Parties to the
12 Agreement in proportion to the contributions made, or in the alternative, may be
13 transferred to any local, state, federal or private entity who agrees to assume the duties
14 and obligations of the RCA. However, any distribution of assets shall be subject to the
15 prior discharge of enforceable liability against the RCA. Subject to the foregoing, each
16 Parties proportionate share shall be based upon each Parties contributions to the RCA
17 submitted to the RCA in accordance with Sections 17.A. and B. below.

18 **Section 6. RCA Board and Membership.** This Agreement and the authority
19 hereby created shall be administered by the governing body of the RCA which shall be
20 known as the "Board of the Western Riverside County Regional Conservation Authority"
21 hereinafter referred to as the "Board."

22 The regular members of the Board shall be the five members of the Riverside
23 County Board of Supervisors and one member from each incorporated city who is
24 signatory to the Agreement. Written notification of the appointment of a City
25 representative shall be provided to the Chairperson of the Board.

26 Each member of the Riverside County Board of Supervisors may appoint an
27 alternate member and each City may appoint one alternate member. Each regular
28 member and alternate City appointed member must hold an elective office on the

1 respective governing body appointing the regular or alternate member. The Board of
2 Supervisors may appoint a city council member of a member city to represent each
3 Board of Supervisor member as an alternate at meetings of the RCA Board or
4 committees. Notwithstanding the prior sentence, in no event shall the same person
5 serve as a city representative and alternate for the Board of Supervisor's member of the
6 same meeting. Notice of the appointment of an alternate shall be made in writing to the
7 chairperson of the RCA Board. In the absence of a regular member, the alternate
8 member shall, if present, participate in a meeting of the Board the same as if the
9 alternate member were the regular member.

10 Regular members and alternate members shall serve on the Board during the
11 term for which they were appointed or until their successor has been appointed or their
12 appointment has been revoked, whichever is earlier. However, a regular or alternate
13 member's position on the Board shall automatically terminate if and when the term of the
14 elected public office of such regular or alternate member is terminated. When a vacancy
15 occurs, it shall be the duty of the respective Party having the vacancy to promptly inform
16 the Board of the name of the replacement regular or alternate member.

17 Regular members and alternate members, if participating in a meeting of the
18 Board on behalf of a regular member, shall be entitled to compensation for participation
19 in meetings of the Board and necessary traveling and personal expenses incurred in the
20 performance of the member's duties as authorized by the Board. Such compensation
21 shall be fixed by resolution of the Board.

22 **Section 7. Meetings of the RCA Board.**

23 A. **Meetings.** The Board shall establish the time and place for its regular and
24 special meetings. The dates, hour and location of regular meetings shall be fixed by
25 resolution of the Board and a copy of such resolution shall be provided to the governing
26 body of each of the Parties and with each Party's designated regular and alternate
27 member. Special meetings and adjourned meetings may be held as required or
28 permitted by law.

1 B. Ralph M. Brown Act. All meetings of the Board, including without
2 limitation, regular, special and adjourned meetings, shall be called, noticed, held and
3 conducted in accordance with the provisions of the Ralph M. Brown Act (commencing
4 with Section 54950 of the California Government Code).

5 C. Quorum and Voting. A majority of the members of the Board shall
6 constitute a quorum for the transaction of business and all official acts of the Board shall
7 require the affirmative vote of a majority of the members of the Board. Each regular
8 member or alternate member acting in the place of a regular member shall have one
9 vote at meetings of the Board. However, any member of the Board, immediately after a
10 vote of the Board and prior to the start of the next item on the agenda may call for a
11 weighted vote. For an item to be passed by weighted vote, all of the following
12 requirements shall be met:

13 I. the item shall be approved by a majority of the Board members
14 present at the meeting who represent the Riverside County Board of Supervisors, who
15 each shall have one vote;

16 II. the item shall be approved by a majority of the Board members
17 present at the meeting who represent Cities, who each shall have one vote; and

18 III. the item shall be approved by Board members present at the
19 meeting who represent Cities representing a majority of an equal combination of 1) the
20 population of the county living in incorporated areas within the boundaries of the MSHCP
21 Plan area, and 2) the number of acres currently within the Criteria Cells in the
22 incorporated areas as follows: Banning – 78 acres; Beaumont – 10,098 acres; Calimesa
23 – 3,380 acres; Canyon Lake – 303 acres; Corona – 2,315 acres; Eastvale – 1,024 acres;
24 Hemet – 1,158 acres; Lake Elsinore – 14,336 acres; Menifee – 249 acres; Moreno
25 Valley – 2,325 acres; Murrieta – 8,726 acres; Norco – 734 acres; Perris – 3,181 acres;
26 Riverside – 1,201 acres; San Jacinto – 4,580 acres; Temecula – 3,899 acres; and
27 Wildomar – 4,151 acres. Population data shall be determined through California
28 Department of Finance estimates, adjusted annually.

1 In addition, the Board may, through resolution, revise the above-referenced
2 number of acres due to the addition of a new member entity or other appropriate
3 adjustments as the Board deems necessary.

4 D. The Board may adopt, from time to time, such rules and regulations
5 for the conduct of its meetings and affairs as it may deem necessary, including, without
6 limitation, the designation of a person to record and transcribe the minutes of each
7 public meeting of the RCA.

8 **Section 8. Officers.** The Board shall select a Chairperson and a Vice-
9 Chairperson at its first meeting and at the first meeting held in each succeeding calendar
10 year. Additionally, at its first meeting and at the first meeting held in each succeeding
11 calendar year shall, the Board shall select any other officers it deems appropriate. In the
12 event an officer resigns or ceases to be an officer, the Board shall select a replacement
13 therefore at the next regular meeting of the Board. In the absence or inability of the
14 Chairperson to act, the Vice-Chairperson shall act as Chairperson.

15 A. **Treasurer.** The treasurer of a member agency shall serve as the
16 treasurer of the RCA. The Board pursuant to the adoption of a resolution shall appoint
17 the treasurer of a member agency to serve as the Treasurer. The Treasurer shall have
18 the custody of the RCA money and disburse RCA funds pursuant to the accounting
19 procedures developed in accordance with the provisions of this Agreement, the Act, and
20 with those procedures established by the Board. The Treasurer shall assume the duties
21 described in Section 6505.5 of the Government Code, namely: receive and receipt for
22 all money of the RCA and place in the Treasury of the Treasurer to the credit of the
23 RCA; be responsible upon an official bond as prescribed by the Board for the
24 safekeeping and disbursement of all RCA money so held; pay, when due, out of money
25 of the RCA so held, all sums payable, only upon warrants of the officer performing the
26 functions of the Controller who has been designated by the RCA or Board; verify and
27 report in writing on the first day of July, October, January and April of each year to the
28 RCA the amount of money held for the RCA, the amount of receipts since the last report,

1 and the amount paid out since the last report; and perform such other duties as are set
2 forth in this Agreement or specified by the Board.

3 B. **Controller**. The Finance Director of a member agency shall serve as
4 the Controller of the RCA. The Board pursuant to the adoption of a resolution shall
5 appoint the finance director of a member agency to serve as the Controller. The
6 Controller shall draw warrants to pay demands against the RCA when such demands
7 have been approved by the Board or by any other person authorized to so approve such
8 by this Agreement or by resolution of the Board. The Controller shall perform such
9 duties as are set forth in this Agreement and such other duties as are specified by the
10 Board.

11 There shall be strict accountability of all funds and reporting of all receipts
12 and disbursements. The Controller shall establish and maintain such procedures, funds
13 and accounts as may be required by sound accounting practices, the books and records
14 of the RCA in the possession of the Controller shall be open to inspection at all
15 reasonable times by representatives of the Parties.

16 The Controller, with the approval of the RCA, shall contract with an
17 independent certified public accountant or firm or certified public accountants to make an
18 annual audit of the accounts and records of the RCA, and a complete written report of
19 such audit shall be filed as public records annually, within six (6) months of the end of
20 the fiscal year under examination, with each of the Parties. Such annual audit and
21 written report shall comply with the requirements of Section 6505 of the Government
22 Code. The cost of the annual audit, including contracts with, or employment of such
23 independent certified public accountants in making an audit pursuant to this Agreement
24 shall be a charge against any unencumbered funds of the RCA available for such
25 purpose. The Board by unanimous vote, may replace the annual audit with a special
26 audit covering a two-year period.

27 **Section 9. MSHCP Advisory Committee**. Within thirty (30) days after
28 issuance of the permits by the U.S. Fish and Wildlife Service and California Department

1 of Fish and Game for the MSHCP, the Board shall form an MSHCP Advisory Committee.
2 The MSHCP Advisory Committee shall consist of the Riverside County Habitat
3 Conservation Agency (RCHCA) Board of Directors and one representative from each
4 City who is not a member of the RCHCA. Within six (6) months of execution of this
5 Agreement, or at any time thereafter, the Board may review the RCA organizational
6 structure established by this Agreement to determine if it is facilitating MSHCP
7 implementation.

8 **Section 10. Executive Director.** The Board shall retain an Executive Director to
9 administer the MSHCP in compliance with the duties and responsibilities set forth in
10 Sections 5.0 and 6.0 of the MSHCP. As required by the MSHCP, the RCA shall initially
11 contract with the County of Riverside to provide an appropriate department or individual
12 to act as the Executive Director within thirty (30) days of the formation of the RCA. The
13 appropriate department or individual shall be recommended by the County's Executive
14 Officer and considered by the Board. It is understood by the Parties to this Agreement
15 that the Board may accept or reject the County Executive Officer's recommendation of
16 an appropriate department or individual to serve as the Executive Director. This contract
17 shall be for an initial term of three (3) years. At least six (6) months prior to the
18 expiration of this initial contract term, the Board shall review the County department's or
19 individual's performance as Executive Director. Based upon this review, the Board may
20 elect to extend the contract with the County or select an alternative entity or individual for
21 the Executive Director position upon expiration of the initial term.

22 **Section 11. RESERVED**

23 **Section 12. Monitoring Program Administrator.** Upon issuance of the permits
24 for the MSHCP by the U.S. Fish and Wildlife Service and California Department of Fish
25 and Game and for a period of eight (8) years thereafter, the California Department of
26 Fish and Game shall serve as the Monitoring Program Administrator for the MSHCP.
27 The Monitoring Program Administrator shall be responsible for implementing the
28 monitoring program contained in Section 5.0 of the MSHCP and shall perform all duties

1 and responsibilities as set forth in Sections 5.0 and 6.0 of the MSHCP. Thereafter, the
2 Board may elect to have the Department continue acting in the capacity or shall select
3 an alternative individual or entity for this position if the Board determines that the
4 Department cannot adequately perform the duties and responsibilities of this position.

5 **Section 13. Reserve Managers.** The Board shall retain at least one Reserve
6 Manager to manage lands owned by the RCA within the MSHCP Conservation Area.
7 This Reserve Manager(s) shall report to the Executive Director and shall perform all the
8 duties and responsibilities set forth in Section 5.0 and Section 6.0 of the MSHCP.
9 Additionally, Reserve Managers managing lands owned by any Party to this Agreement
10 that are within the MSHCP Conservation Area shall report to the Executive Director.

11 **Section 14. Independent Science Advisors.** The Board shall retain, as
12 appropriate, independent science advisors who are qualified biologists and conservation
13 experts with expertise in species covered by the MSHCP and their habitats. Additionally,
14 to the extent feasible, the independent science advisors shall have experience in land
15 management. Independent science advisors shall be retained on an annual basis, shall
16 report to the Executive Director and shall comply with the duties and responsibilities set
17 forth in Section 6.0 of the MSHCP.

18 **Section 15. Funding Coordination Committee.** Within one hundred and
19 twenty (120) days after issuance of the permits by the U.S. Fish and Wildlife Service and
20 California Department of Fish and Game for the MSHCP, the Board shall form a Funding
21 Coordination Committee to provide recommendations to the Board on local funding
22 priorities and local MSHCP Conservation Area acquisitions. Members of this committee
23 shall be appointed by the Board and shall consist of, at a minimum, representatives of
24 the Parties to this Agreement, the U.S. Fish and Wildlife Service, and the California
25 Department of Fish and Game. To the extent feasible, members of the Funding
26 Coordination Committee shall have expertise in real estate or land use planning and/or
27 experience implementing large scale conservation programs.

1 The Funding Coordination Committee shall make recommendations to the Board
2 through the Executive Director on local land acquisitions and funding priorities.
3 Additionally, this Committee shall provide a forum to discuss land acquisition priorities of
4 the U.S. Fish and Wildlife Service and California Department of Fish and Game and
5 acquisitions by other entities using non-local sources of revenue. The Board shall
6 establish policies under which the Funding Coordination Committee shall make
7 recommendations to the Board. Such policies shall include conflict of interest guidelines
8 for the Committee members.

9 The Planning Directors of each Party to this Agreement shall receive prior notice
10 of all meetings of the Funding Coordination Committee. Such notice shall include a
11 meeting agenda and a list of potential acquisition sites, if applicable. The Planning
12 Directors or their designated representatives may participate in Committee meetings, as
13 appropriate.

14 **Section 16. Reserve Management Oversight Committee.** The Reserve
15 Management Oversight Committee (RMOC) shall be formed within sixty (60) days of the
16 effective date of the contract between the RCA and the County concerning the
17 establishment of an Executive Director. The RMOC shall be composed of, at a
18 minimum, one representative appointed by each of the following entities:

- 19 A. U. S. Fish and Wildlife Service,
 - 20 B. California Department of Fish and Game,
 - 21 C. Riverside County Regional Parks and Open Space District,
 - 22 D. Bureau of Land Management,
 - 23 E. U.S. Forest Service,
 - 24 F. California Department of Parks and Recreation,
 - 25 G. RCA, and
 - 26 H. Up to five (5) other private or public agencies or entities that own or
27 manage land within the MSHCP Conservation Area.
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1 The RMOC shall serve as the intermediary between the Reserve Managers and
2 the decision making function of the RCA. The Executive Director shall serve as chair of
3 the RMOC.

4 **Section 17. Rules and Governing Law.** This Agreement shall be construed
5 and enforced in accordance with the laws of the State of California. The Act, the Bond
6 Law, and the laws of the State of California applicable to a general law city shall govern
7 the RCA in the manner of exercising its powers, subject, however, to such restrictions as
8 are applicable to said city in the manner of exercising such powers, as required by
9 Government Code Section 6509. The Board, at its first meeting or as soon thereafter as
10 may be possible, shall adopt such rules and regulations as the Board may deem
11 necessary for the conduct of the RCA's affairs. Among these rules shall be a conflict of
12 interest code and a purchasing ordinance. The Board may, as it deems appropriate,
13 review and revise these rules and regulations.

14 **Section 18. Fiscal Year.** The fiscal year of the RCA shall be the period
15 commencing on July 1 of each year and ending on and including the following June 30.

16 **Section 19. Contributions/Estimated Budget.**

17 A. Contributions of Development Mitigation Fees. The Parties to this
18 Agreement shall impose a development mitigation fee on all new development to
19 support the acquisition of additional reserve lands pursuant to the MSHCP. All
20 development mitigation fees collected by the Parties shall be forwarded to the RCA
21 within ninety (90) days after receipt by each Party. The RCA may, in its discretion,
22 conduct an audit of the development mitigation fees collected by any Party to this
23 Agreement.

24 B. Other Contributions. The RCA may accept contributions of money or
25 property from the Parties or other individuals or entities including but not limited to
26 contributions from Parties, MSHCP Permittees and Special Participating Entities who
27 obtain take authorization under the MSHCP for public utility, schools, transportation,
28 flood control and other public infrastructure projects. Additionally, a Party may hold and

1 manage its own property as a contribution to implementation of the MSHCP and the
2 MSHCP Conservation Area. Landfill Tipping Fees and Density Bonus Fees collected by
3 the County may be contributed to the RCA on an annual basis subject to the discretion
4 of the Board of Supervisors.

5 C. Use of Contributions. When approved by the Board, revenues received by
6 the RCA, including without limitation, fees and other contributions, shall be used to
7 implement the MSHCP. In addition, the RCA shall reimburse the County for any and all
8 litigation costs, including but not limited to attorneys fees, incurred in defense of any
9 legal challenge concerning the adoption of the MSHCP or any related actions as well as
10 any costs incurred to establish the Executive Director and any other necessary staff prior
11 to entering into the contract contemplated in Section 10 of this Agreement.

12 D. Budget. The annual budget for the RCA shall be prepared by the
13 Executive Director. The annual budget shall be based on an estimate of the amount of
14 revenue necessary to implement the MSHCP during the ensuing fiscal year and shall
15 consider necessary land acquisition, improvements, maintenance, management,
16 monitoring, administration, and operation costs during the current fiscal year as such
17 costs are set forth in the then current approved budget for the RCA.

18 **Section 20. MSHCP Reporting Requirements.** In order to assist in the
19 preparation of the annual report required to be prepared by the RMOC and submitted to
20 the USFWS, CDFG, and RCA as set forth in the MSHCP and Implementing Agreement,
21 the Parties shall on a monthly basis provide the following information to the RCA:

- 22 A. grading permit activity including the number of the permit issued, the
23 location of the development site identified by assessor's parcel
24 number, and the amount of acreage disturbed;
- 25 B. single family home and mobile home construction activity within the
26 Criteria Area including the number of the grading, building, site
27 preparation or installation permit issued and the location of the
28 development site identified by assessor's parcel number;

- 1 C. development mitigation fee collection including identification by
2 assessor's parcel number of the project for which the fee was
3 collected, the amount of the fee paid, and any exemptions or credits
4 that may have been included in any calculation of the fee; and
5 D. any other information required to comply with the provisions of the
6 MSHCP as may be determined necessary by the Executive Director.

7 In addition, the County shall submit on an annual basis all information contained
8 in the Existing Agricultural Operations Database including the amount of new agricultural
9 land, if any, added to the Database as well as any documentation concerning the
10 expansion of agricultural operations within the Criteria Area.

11 **Section 21. Joint Project/Acquisition Review Process.** To ensure that the
12 requirements of the MSHCP and its Implementing Agreement are properly met, a joint
13 project/acquisition review process shall be instituted by the RCA. This process is set
14 forth in Section 6 of the MSHCP.

15 **Section 22. Liabilities.** Except as may be provided herein, the debts, liabilities
16 and obligations of the RCA shall be the debts, liabilities and obligations of the RCA
17 alone, and not of the Parties to this Agreement.

18 **Section 23. Indemnification.** Provided that a Party has acted in good faith and
19 in accordance with this Agreement, the approved MSHCP and its Implementing
20 Agreement and the Permits, the RCA shall defend, indemnify and hold such Party free
21 and harmless from any loss, liability or damage incurred or suffered by such Party by
22 reason of litigation arising from or as a result of any of the following: the Party's
23 development mitigation fee ordinance; the Party's participation in the RCA; actions taken
24 to approve and/or implement the MSHCP; claims of inverse condemnation or
25 unconstitutional takings against a Party; or any other act performed or to be performed
26 by the Party pursuant to this Agreement, the MSHCP, its Implementing Agreement or the
27 Permits; provided, however, that such indemnification or agreement to hold harmless
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1 pursuant to this Section shall be recoverable only out of RCA assets and not from other
2 Parties.

3 **Section 24. Notices.** Notices required or permitted hereunder shall be
4 sufficiently given if made in writing and delivered either personally or by registered or
5 certified mail, postage prepaid to said respective Parties, as follows:

6 A. Regional Conservation Authority
7 Executive Director
8 3403 10th Street, Suite 320
9 Riverside, CA 92501
(951) 955-9700
(951) 955-8873 fax

10 B. County of Riverside
11 Transportation and Land Management Agency
12 Agency Director
13 4080 Lemon Street, 7th Floor
14 Riverside, CA 92501
(951) 955-6742
(951) 955-6879 fax

15 C. City of Banning
16 City Manager
17 99 E. Ramsey Street
18 Banning, CA 92220
(951) 922-3103
(951) 922-3128 fax

19 D. City of Beaumont
20 City Manager
21 550 E. 6th Street
22 Beaumont, CA 92223
(951) 769-8520
(909) 769-8526 fax

23 E. City of Calimesa
24 City Manager
25 908 Park Ave
26 Calimesa, CA 92320
(909) 795-9801
(909) 795-4399 fax

27 F. City of Canyon Lake
28 City Manager
31516 Railroad Canyon Road

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Canyon Lake, CA 92587
(951) 244-2955
(951) 246-2022 fax

G. City of Corona
City Manager
P.O. Box 940
Corona, CA 92878
(951) 736-2371
(951) 736-2493 fax

H. City of Eastvale
City Manager
6080 Hamner Avenue, Suite 103
Eastvale, CA 91752
(951) 361-0900
(951) 361-0888 fax

I. City of Hemet
City Manager
445 E. Florida Avenue South
Hemet, CA 92543
(951) 765-2300
(951) 765-3785 fax

J. City of Lake Elsinore
City Manager
130 S. Main Street
Lake Elsinore, CA 92530
(951) 674-6727 ext. 261
(951) 674-2392 fax

K. City of Menifee
City Manager
29683 New Hub Drive, Suite C
Menifee, CA 92586
(951) 672-6777

L. City of Moreno Valley
City Manager
P.O. Box 88005
Moreno Valley, CA 92553
(951) 413-3008
(951) 413-3760 fax

M. City of Murrieta
City Manager
24601 Jefferson Avenue

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Murrieta, CA 92562-9755
(951) 698-1040
(951) 698-9885 fax

N. City of Norco
City Manager
2870 Clark Avenue
Norco, CA 92860
(951) 270-5611
(951) 270-5622 fax

O. City of Perris
City Manager
101 North D Street
Perris, CA 92570
(951) 657-5882
(951) 657-1087 fax

P. City of Riverside
City Manager
3900 Main Street
Riverside, CA 92522
(951) 826-5991
(951) 826-5470 fax

Q. City of San Jacinto
City Manager
595 S. San Jacinto Avenue, Building B
San Jacinto, CA 92583
(951) 487-7342
(951) 654-3728 fax

R. City of Temecula
City Manager
PO Box 9033
Temecula, CA 92589-9033
(951) 694-6440
(951) 694-6499 fax

S. City of Wildomar
City Manager
23738 Clinton Keith Road
Wildomar, CA 92595
(951) 677-7751

1 The listed addresses shall serve as the official address for any notices until such
2 time as any Party gives notice to all other Parties of a change in address in accordance
3 with the terms of this section.

4 **Section 25. Severability.** If any section, clause or phrase of this Agreement or
5 the application thereof to any Party or any other person or circumstance is for any
6 reason held to be invalid by a court of competent jurisdiction, it shall be deemed
7 severable and the remainder of the Agreement or the application of such provisions to
8 the other party or to other persons or circumstances shall not be affected thereby.

9 **Section 26. Other Agreements Not Prohibited.** Other agreements by and
10 between the Parties of this Agreement or any other entity are neither prohibited nor
11 modified in any manner by execution of this Agreement. Furthermore, the Parties hereto
12 agree upon request to execute, acknowledge and deliver all additional papers and
13 documents necessary or desirable to carry out the intent of this Agreement.

14 **Section 27. Other Obligations.** The responsibilities and obligations of each
15 Party to this Agreement shall be solely as provided in this Agreement, or as may be
16 provided for in supplemental agreements to be executed by the Parties.

17 **Section 28. Non-Assignability.** The rights, titles and interests of any Party to
18 this Agreement shall not be assignable or transferable without the consent of the
19 governing body of each Party hereto.

20 **Section 29. Section Headings.** The section headings herein are for
21 convenience of the Parties only, and shall not be deemed to govern, limit, modify or in
22 any manner affect the scope, meaning or intent of the provisions or language of this
23 Agreement.

24 **Section 30. Construction of Language.** It is the intention of the Parties hereto
25 that if any provision of this Agreement is capable of two constructions, one of which
26 would render the provision void and the other of which would render the provision valid,
27 then the provision shall have the meaning which renders it valid.

1 **Section 31. Cooperation.** The Parties recognize the necessity and hereby
2 agree to cooperate with each other in carrying out the purposes of this Agreement,
3 including cooperation in matters relating to the public, accounting, litigation, public
4 relations and the like.

5 **Section 32. Future Amendments.** To preserve a reasonable degree of
6 flexibility, many parts of this Agreement are stated in general terms. It is understood that
7 there may be Amendments to this Agreement which will further define the rights and
8 obligations of the Parties.

9 **Section 33. Successors.** This Agreement shall be binding upon and shall inure
10 to the benefit of the successors of the Parties hereto.

11 Original JPA Approved January 27, 2004
12 Amendment No. 1 Approved April 29, 2007
13 Amendment No. 2 Approved March 11, 2008
14 Amendment No. 3 Approved April 7, 2009
15 Amendment No. 4 Approved _____, 2011

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1 **IN WITNESS WHEREOF**, the Parties hereto have caused this Agreement to be
2 executed and attested by their proper officers thereunto duly authorized as of the date
3 first above written.

4 Dated: _____

COUNTY OF RIVERSIDE

5 Attest:

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By: _____
Chairman, Board of Supervisors

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9 Dated: _____

CITY OF BANNING

10 Attest:

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City Clerk

By: _____
Mayor

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15 Dated: _____

CITY OF BEAUMONT

16 Attest:

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City Clerk

By: _____
Mayor

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20 Dated: _____

CITY OF CALIMESA

21 Attest:

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23 _____

City Clerk

By: _____
Mayor

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CITY OF CANYON LAKE

Attest:

City Clerk

By: _____
Mayor

Dated: _____

CITY OF CORONA

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City Clerk

By: _____
Mayor

Dated: _____

CITY OF EASTVALE

Attest:

By: _____

Dated: _____

CITY OF HEMET

Attest:

City Clerk

By: _____
Mayor

Dated: _____

CITY OF LAKE ELSINORE

Attest:

City Clerk

By: _____
Mayor

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CITY OF MENIFEE

Attest:

City Clerk

By: _____
Mayor

Dated: _____

CITY OF MORENO VALLEY

Attest:

City Clerk

By: _____
Mayor

Dated: _____

CITY OF MURRIETA

Attest:

City Clerk

By: _____
Mayor

Dated: _____

CITY OF NORCO

Attest:

City Clerk

By: _____
Mayor

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Dated: _____

CITY OF PERRIS

Attest:

City Clerk

By: _____

Mayor

Dated: _____

CITY OF RIVERSIDE

Attest:

City Clerk

By: _____

Mayor

Dated: _____

CITY OF SAN JACINTO

Attest:

City Clerk

By: _____

Mayor

Dated: _____

CITY OF TEMECULA

Attest:

City Clerk

By: _____

Mayor

Dated: _____

CITY OF WILDOMAR

Attest:

City Clerk

By: _____

Mayor

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #2.1
PUBLIC HEARING
Meeting Date: March 23, 2011

TO: Mayor and City Council Members
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: FY 2010-11 Financial Reports and FY 2011-12 Budget Program

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council continue the Public Hearing to April 13, 2011.

BACKGROUND:

The Administration Department prepares budget updates for the City Council. The purpose of the City's mid-year budget status report is to conduct a comprehensive review of all of the City's funds to:

- Recommended budgetary changes to address known budget deficiencies.
- Recommend budget changes to align the budget with projected fiscal year end actual costs.
- Identify changes which materially impact fund balances.

Additionally, this public hearing is also used to set the next fiscal years' budget guidelines and activity calendar.

In the course of preparing the reports for this March 23, 2011 Public Hearing, several of the ongoing discussions with other organizations were not concluded and the data was not available in time to meet this agenda deadline. Therefore, a continuance to the April 13 meeting is recommended as the reports will then include all pertinent data.

This continuance will not have a negative effect on the forthcoming budget reports and recommendations.

Submitted by:

Approved by:

Gary Nordquist
Assistant City Manager

Frank Oviedo
City Manager

CITY OF WILDOMAR – COUNCIL
Agenda Item #3.1
GENERAL BUSINESS
Meeting Date: March 23, 2011

TO: Mayor and City Council Members
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Parks Update

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council receive update report

DISCUSSION:

The City held an informational and educational Town Hall meeting on March 12, 2011, at Marna O'Brien Park. Staff is available to provide information and education regarding Park Funding to any community business or organization.

Fund Raising Efforts: \$17,197.69

SPECIAL EVENTS

\$1,320	Donald Graham Elementary Penny War
\$ 300	Elsinore High School Football Booster Club
\$ 130	Guadalajara Restaurant
\$1,000	Fit 2 Go
\$1,000	Kailee Carrol
\$ 832	Sycamore Academy – Art Show
\$1,460	Community Spaghetti Dinner
\$ 231	Pepper Tree Manor – Haunted House
\$ 909	Sycamore Academy – Harvest Festival
\$ 240	Diamond W Events – Harvest Festival
\$ 155	Salon Silque
\$ 500	Special Olympics – Softball Tournament
\$ 882	Diamond W Events – Softball Tournament
\$ 500	Submarina
\$ 161	Wildomar Chamber Mixer
\$2,448	Wildomar Rotary – Bowling
\$ 230	Kat Ellis Photography – Pictures with Santa

Individual Donations For Park Funding of Operations

Aaron Welch
Alfredo Gallegos
Anna Marie Williams
Ben Benoit
Betty Neff-Copple
Betty Park
Bob Cashman
Brian & Debra Julien
Bridgette Moore
C Edward Norris
CAFH Order at Wildomar Inc.
Christine
Daniel Yallanueva
David & Cathi Crismon
Dee's Delightful Deals
Diamond W Events
Dilayla Thor
Douglas Lech
E.E. Van Dorn
Edward & Joan Buffington
Edy Rodarme
Elsinore Valley Municipal WD
Gary Andre
Gary Brown
George Taylor
Gina Castanon
Henry Silvestre
Henry Adams

Geraldine Stevenson
Innovative Water Speciatlies, LLC
Isabel (Child)
Jasper the Alpaca
John & Debra Mushaney
John Swanson
Kailee Carrol
Kristan Lloyd
Linda Hall
Norma Nickel
Paula Willette
Richard Skinner
Rod Gill
Sandra Eytchison
Sandy Isom
Stan Crippen
The Pumpkin Reaper
Tim Walker
Town and Country Towing
Tracy & Wes Lobo
Walter Meeks
Wildomar Voice
William & Donita Smith
William, Sr. & Mary Sue Huie

Upcoming events are:

- May 6 Teen Fundraiser at Marna O'Brien Park from 6pm-9pm

Additional updates not ready at the time of the printing of this report will be presented by Staff at the City Council meeting.

Submitted by:

Approved by:

Gary Nordquist
Assistant City Manager

Frank Oviedo
City Manager

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #3.2
GENERAL BUSINESS
Meeting Date: March 23, 2011

TO: Mayor and City Council Members

FROM: Matthew C. Bassi, Planning Director

SUBJECT: Amendment #1 to the Approved Settlement Agreement for CUP 09-0301; Waite Street Mobile Home Park

STAFF REPORT

RECOMMENDATION:

Staff recommends the City Council approve the Amended Settlement Agreement as described in Attachment A.

DISCUSSION:

Staff presents a proposed amendment to a settlement agreement between the City and County, on the one hand, and Murrieta Mortgage, on the other, regarding an unpermitted and unfinished mobile home park at 21517 and 21521 Waite Street.

The parties executed the original settlement agreement in 2010. The agreement required Murrieta Mortgage to obtain all necessary land use approvals from the City and complete the project by certain specified dates. Due to several unforeseen circumstances, Murrieta Mortgage was unable to meet those deadlines. Murrieta Mortgage, however, continues to work in good faith with City staff in an attempt to resolve those issues, complete the project, and bring the property into compliance with the Municipal Code. The proposed amendment would revise the existing deadlines to provide Murrieta Mortgage until September 30, 2011 to obtain all necessary permits.

City staff supports the proposed amendment. Murrieta Mortgage has made a consistent good faith effort to comply with the Municipal Code and the settlement agreement. A mutually agreeable settlement document between the City and Murrieta Mortgage continues to represent the best and most cost efficient resolution to the remaining issues on the property.

Submitted by:

Approved by:

Matthew C. Bassi
Planning Director

Frank Oviedo
City Manager

ATTACHMENTS:

- A. First Amendment Settlement Agreement

ATTACHMENT A

First Amendment to Settlement Agreement

FIRST AMENDMENT TO SETTLEMENT AGREEMENT

THIS FIRST AMENDMENT TO SETTLEMENT AGREEMENT ("First Amendment") is made and entered into as of this 23rd day of March, 2011, by and between the CITY OF WILDOMAR, a municipal corporation, organized and existing under the laws of California, the COUNTY OF RIVERSIDE, and MURRIETA MORTGAGE, INC., a California corporation ("Parties").

RECITALS

- A. The Parties have entered into a Settlement Agreement ("Agreement") which is attached hereto as Exhibit A.
- B. The purpose of the Agreement is to resolve the dispute between the Parties and to avoid the burden and expense of further litigation.
- C. The Parties now desire to amend the Agreement.

OPERATIVE PROVISIONS

NOW, THEREFORE, in consideration of the mutual promises and covenants made by the Parties contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the Parties promise, agree, and covenant as follows:

1. **AMENDMENT**. The Parties understand and agree that the Agreement shall be and hereby is amended as follows:

1.1 **Deadline for Permits**. Section 4(d) of the Agreement is hereby amended to read as follows:

(d) By November 30, 2011, Murrieta Mortgage, (1) will either have all necessary permits for its use of the Property, or (2) it will immediately begin taking the actions required in Section 4(f) below.

2. **GENERAL PROVISIONS**. The following general terms and provisions shall apply to this First Amendment:

2.1 **Remainder Unchanged**. Except as specifically modified and amended in this First Amendment, the Agreement remains in full force and effect and binding upon the Parties.

2.2 **References**. All references to the Agreement include all their respective terms and provisions. All defined terms utilized in this First Amendment have the same meaning as provided in the Agreement, unless expressly stated to the contrary in this First Amendment.

2.3 **Counterparts.** This First Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original, but all together shall constitute but one and the same Agreement.

IN WITNESS WHEREOF, the Parties have duly authorized this First Amendment and have caused their respective duly authorized officers to execute this First Amendment as of this 23rd day of March, 2011.

CITY OF WILDOMAR

Dated: _____

By : _____
FRANK OVEIDO, CITY MANAGER
CITY OF WILDOMAR

COUNTY OF RIVERSIDE

Dated: _____

By: _____
GREG FLANNERY
CODE ENFORCEMENT DIVISION
MANAGER

MURRIETA MORTGAGE, INC.

Dated: _____

By: _____
JOHN REIDY

APPROVED AS TO FORM:

BURKE, WILLIAMS & SORENSEN, LLP

Dated: _____

By: _____
STEPHEN A. McEWEN
Attorney for Plaintiff
CITY OF WILDOMAR

Dated: _____

By: _____
PATTI F. SMITH
Deputy County Counsel

SCHEDULE OF ACTIVITIES

- 3/23/11 City Council review of First amendment to the Settlement Agreement.
- 3/28/11 Applicant to submit final technical studies to the Planning Department and City staff begins preparation of the required Mitigated Negative Declaration and Mitigation Monitoring Program.
- 4/10/11 John Reidy resubmits final development plans package reflecting final changes requested by the Planning and Engineering Department's.
- 4/29/11 Mitigated Negative Declaration is finalized and distributed for the required 20-day public review period.
- 5/2/11 Initial grading and construction plans are also submitted to the Building and Engineering Department's for review; however, these will not be approved until after CUP 09-0301 receives its final approval action by the Planning Commission.
- 5/18/11 Mitigated Negative Declaration public review and comment period concludes.
- 6/15/11 Planning Commission public hearing for CUP 09-0301.
- 7/13/11 City Council considers the "Receive and File" report (Consent Item).
- 7/27/11 Construction plans are approved by the City. Construction is expected to require approximately four (4) months.
- 11/27/11 Construction completed.

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #3.3
GENERAL BUSINESS
Meeting Date: March 23, 2011

TO: Mayor and City Council Members
FROM: Matthew C. Bassi, Planning Director
SUBJECT: Annexation of the Wildomar Cemetery District

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council adopt a Resolution entitled:

RESOLUTION NO. 2011 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, AUTHORIZING THE CITY
MANAGER TO SUBMIT AN ANNEXATION APPLICATION TO
THE RIVERSIDE COUNTY LOCAL AGENCY FORMATION
COMMISSION (LAFCO) TO TAKE PROCEEDINGS FOR THE
ESTABLISHMENT OF THE WILDOMAR CEMETERY
DISTRICT AS A SUBSIDIARY DISTRICT TO THE CITY OF
WILDOMAR

DISCUSSION:

The City Council has directed the City Manager to consider a proposal to the Riverside County Local Area Formation Commission (LAFCO) to prepare a Plan of Service for the purpose of establishing the Wildomar Cemetery District as a subsidiary district to the City of Wildomar.

The Plan of Service has been prepared (included as Attachment A, Exhibit B) and is intended to address how the services currently provided by the Wildomar Cemetery District (District), an independent special district, will be provided once the District becomes a subsidiary district of the City of Wildomar (City). The Plan of Services contains three sections:

- Section 1 is the Introduction and Summary.
- Section 2 is the Service Comparison and Plan of Services.
- Section 3 is the Transition Plan outlining the action initial steps.

In order to make a formal application submittal, LAFCO requires that the City Council and the Board of the Wildomar Cemetery District adopt individual Resolutions

authorizing the City Manager to make an application submittal. The District is scheduled to adopt its Resolution at their March 21, 2011 meeting. Given that the Districts meeting will occur after the preparation of this report, a copy of the Resolution will be provided to the Council at its meeting of March 23, 2011.

Staff has already scheduled a formal application submittal meeting with LAFCO staff for March 31, 2011. According to LAFCO staff, the complete process, including review and analysis of the City's application, LAFCO Commission hearing, and the protest hearing will take approximately four (4) to six (6) months. Given the desire of the Council to move this along expeditiously, staff is committed to working with LAFCO to shorten the process as much as feasibly possible.

Submitted by:

Approved by:

Matthew C. Bassi
Planning Director

Frank Oviedo
City Manager

ATTACHMENTS:

- A. Council Resolution
 - Exhibit A - Cemetery District Boundary Map
 - Exhibit B - Plan of Service
- B. LAFCO Flow Chart of Annexation Process

ATTACHMENT A

City Council Resolution

RESOLUTION NO. 2011 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO SUBMIT AN ANNEXATION APPLICATION TO THE RIVERSIDE COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO TAKE PROCEEDINGS FOR THE ESTABLISHMENT OF THE WILDOMAR CEMETERY DISTRICT AS A SUBSIDIARY DISTRICT TO THE CITY OF WILDOMAR

WHEREAS, the City Council of the City of Wildomar, California desires to initiate a proposal pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for the annexation of the Wildomar Cemetery District as a Subsidiary District to the City of Wildomar; and

WHEREAS, notice of intent to adopt this Resolution of application has been given to LAFCO, each interested agency and each subject agency at least 20 days prior to the adoption of this Resolution; and

WHEREAS, the territory proposed to be annexed is inhabited, and a description of the boundaries of the territory is set forth in Exhibit A attached hereto and by this reference incorporated herein; and

WHEREAS, this proposal is consistent with the sphere of influence of the affected city and district; and,

WHEREAS, it is the intent of the City Council that the effective date of the Subsidiary District shall be effective as of July 1, 2011; and

WHEREAS, the purpose of the proposed annexation is to address how the services currently provided by the Wildomar Cemetery District, an independent special district, will be provided once the District becomes a subsidiary district of the City of Wildomar as described in Exhibit B attached hereto and by this reference incorporated herein; and

WHEREAS, the Wildomar Cemetery District on March 21, 2011 adopted a Resolution of support, authorizing the City of Wildomar to make an application submittal to LAFCO; and

WHEREAS, the City Council on March 23, 2011 placed this Resolution on the Council agenda for review and discussion, and has directed the City Manager to proceed with the establishment of the Wildomar Cemetery District as a subsidiary district to the City of Wildomar.

NOW THEREFORE, the City Council of the City of Wildomar, California does Resolve, Determine, Find and Order as follows:

SECTION 1. CEQA Findings

The City Council hereby makes a determination that the proposed action to establish the Wildomar Cemetery District as a subsidiary district to the City of Wildomar has no potential to impact the environment, and that the proposed action is Categorically Exempt pursuant to Section 15320 (Class 20) of the California Environmental Quality Act which states that the establishment of a subsidiary district exempt from environmental review. Therefore, the City Council hereby directs the Planning Director to file a Notice of Exemption with the Riverside County Clerk in accordance with the provisions of California Environmental Quality Act.

SECTION 2. City Council Action

The City Council of the City of Wildomar, California hereby adopts this Resolution of Application, and the Local Agency Formation Commission of Riverside County is hereby requested to take proceedings for the establishment of the Wildomar Cemetery District as a subsidiary district to the City of Wildomar according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

PASSED, APPROVED, AND ADOPTED this 23rd day of March, 2011.

Marsha Swanson
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

EXHIBIT A

Wildomar Cemetery District Boundary Map

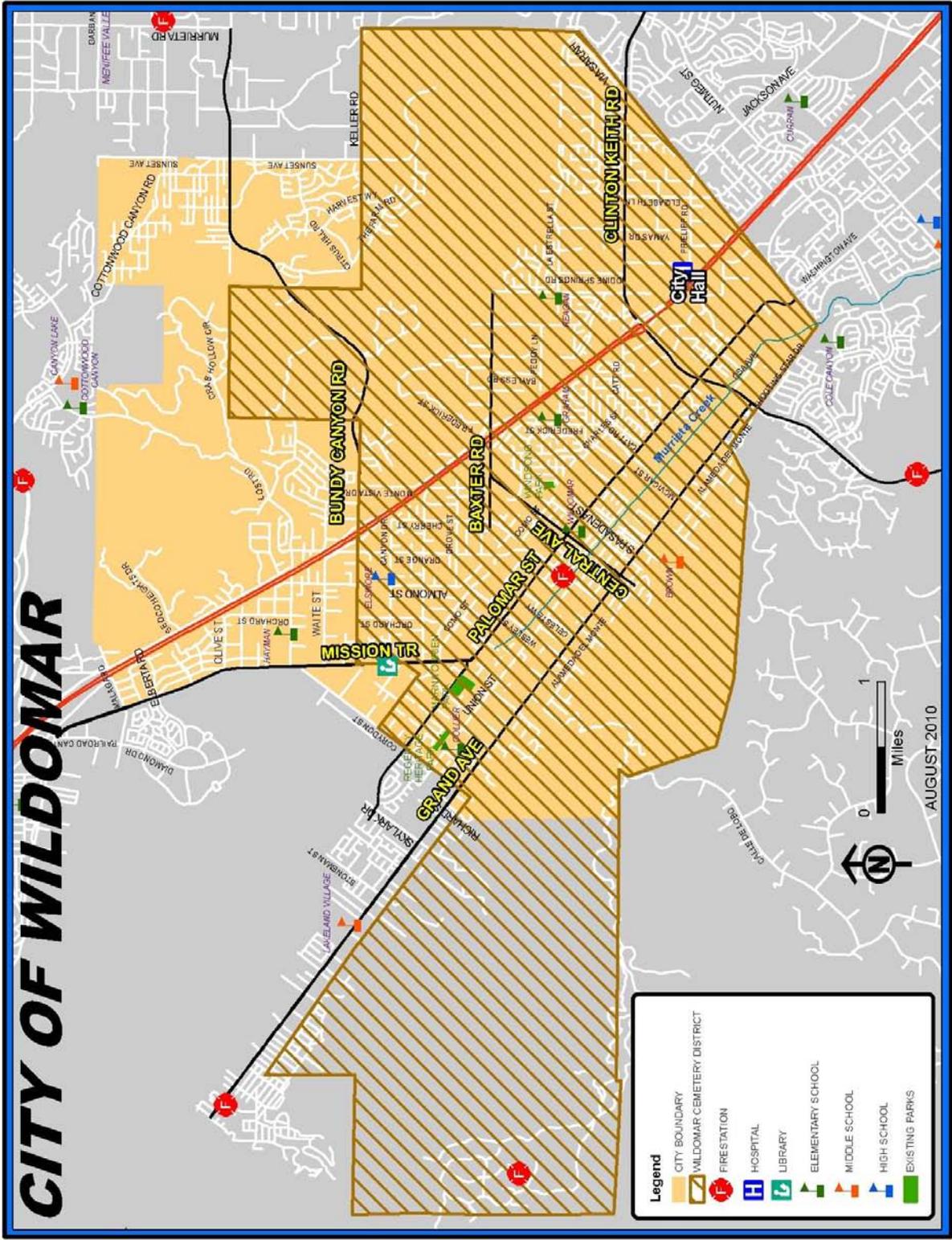


EXHIBIT B

Proposed Plan of Service

PLAN OF SERVICES

FOR THE

ESTABLISHMENT OF THE

WILDOMAR CEMETERY DISTRICT AS

A SUBSIDIARY DISTRICT TO THE

CITY OF WILDOMAR

Prepared by:

City of Wildomar
23873 Clinton Keith Road, Suite #201
Wildomar, CA 92595

March 23, 2011

TABLE OF CONTENTS

1.0	INTRODUCTION	1
1.1	Purpose	1
1.2	Wildomar Cemetery District Background Information	1
1.3	City of Wildomar Background Information	1
1.4	Summary of Findings	2
2.0	SERVICE COMPARISON/PLANS OF SERVICES	4
2.1	Function	4
2.2	Governance	4
2.3	Daily Operations and Management	5
2.4	District Infrastructure and Equipment	6
2.5	Fees and Charges	7
2.6	Operating Budget	7
3.0	TRANSITION PLAN	10
3.1	Governance Transition	10
3.2	Management Transition	10
3.3	Employee Transition	11

FIGURES

Figure 1 - District Boundary Map	3
Figure 2 - District Property and Use	9

TABLES

Table 1 - District Personnel	6
Table 2 - Existing Fees and Charges	7

PLAN OF SERVICES

FOR THE ESTABLISHMENT OF THE WILDOMAR CEMETERY DISTRICT AS A SUBSIDIARY DISTRICT TO THE CITY OF WILDOMAR

1.0 INTRODUCTION

1.1 Purpose

The purpose of this Plan of Services is to address how the services currently provided by the Wildomar Cemetery District (District), an independent special district, will be provided once the District becomes a subsidiary district of the City of Wildomar (City). The Plan of Services contains three sections. Section 1 is the introduction and summary. Section 2 is the service comparison and plan of services. Section 3 is the transition plan outlining the action initial steps.

1.2 Wildomar Cemetery District Background Information

The Wildomar Cemetery District (District) is an independent special district providing burial and interment services for residents within the District. The area of service for the Wildomar Cemetery District is contained in Figure 1 (See Page 3). The service area includes approximately two-thirds of the current City of Wildomar as well as unincorporated County areas in and around Lakeland Village.

1.3 City of Wildomar Background Information

The City of Wildomar is a General Law City that incorporated on July 1, 2008. The City is governed by a five-member Council that is elected at-large. The City provides, either directly through City Staff or through contracted services for the following public services:

- Administration
- Animal Control
- Financial Management
- Building and Safety
- Code Enforcement
- Engineering
- Fire Protection
- Planning
- Parks and Recreation
- Police
- Street Maintenance

The City currently has three full-time employees; City Manager, Assistant City Manager/Finance Director, and City Clerk. All other staff positions and responsibilities are performed by contract employees provided by firms with expertise in their respective fields.

The retirement benefits for existing City employees are through the California Public Employee Retirement System (PERS). Retirement benefits formula

contracted with the City of Wildomar are credited at a rate of 2.7% at 55 years of age.

The City of Wildomar does not currently control or have oversight or management involvement over the public schools, water and sewer services, telecommunications, electricity, natural gas, or local cemetery services. The current proposal involves the City Council becoming the Board of Trustees of the Cemetery District.

1.4 Summary of Findings

The Plan of Services addresses the transitional issues and factors related to the Cemetery District becoming a subsidiary district to the City of Wildomar. A summary of the Plan of Services and transitions to this change are provided below.

Function:

The current functions and services of the Wildomar Cemetery District will not change.

Governance

The existing three member Board of Trustees will be replaced by the five elected members of the Wildomar City Council. Future decisions on the operations, staffing, and other cemetery needs will be decided by the five member Board of Trustees (City Council).

Daily Operations and Management:

The day-to-day management by the General Manager will be replaced by the day-to-day management of the City Manager. The financial management responsibilities of the General Manager will become the responsibility of the Assistant City Manager/Finance Director. The existing two full time employees will become employees of the City of Wildomar and will retain their Public Employee Retirement System (PERS) status. The currently vacant general manager position will be eliminated. The part-time secretarial position will be eliminated and those duties will be absorbed by existing City employees.

District Infrastructure and Equipment:

The Cemetery District equipment will be retained and used to continue the current operations at the existing facility. The existing properties owned by the District will be retained and will continue to be used for cemetery-related activities.

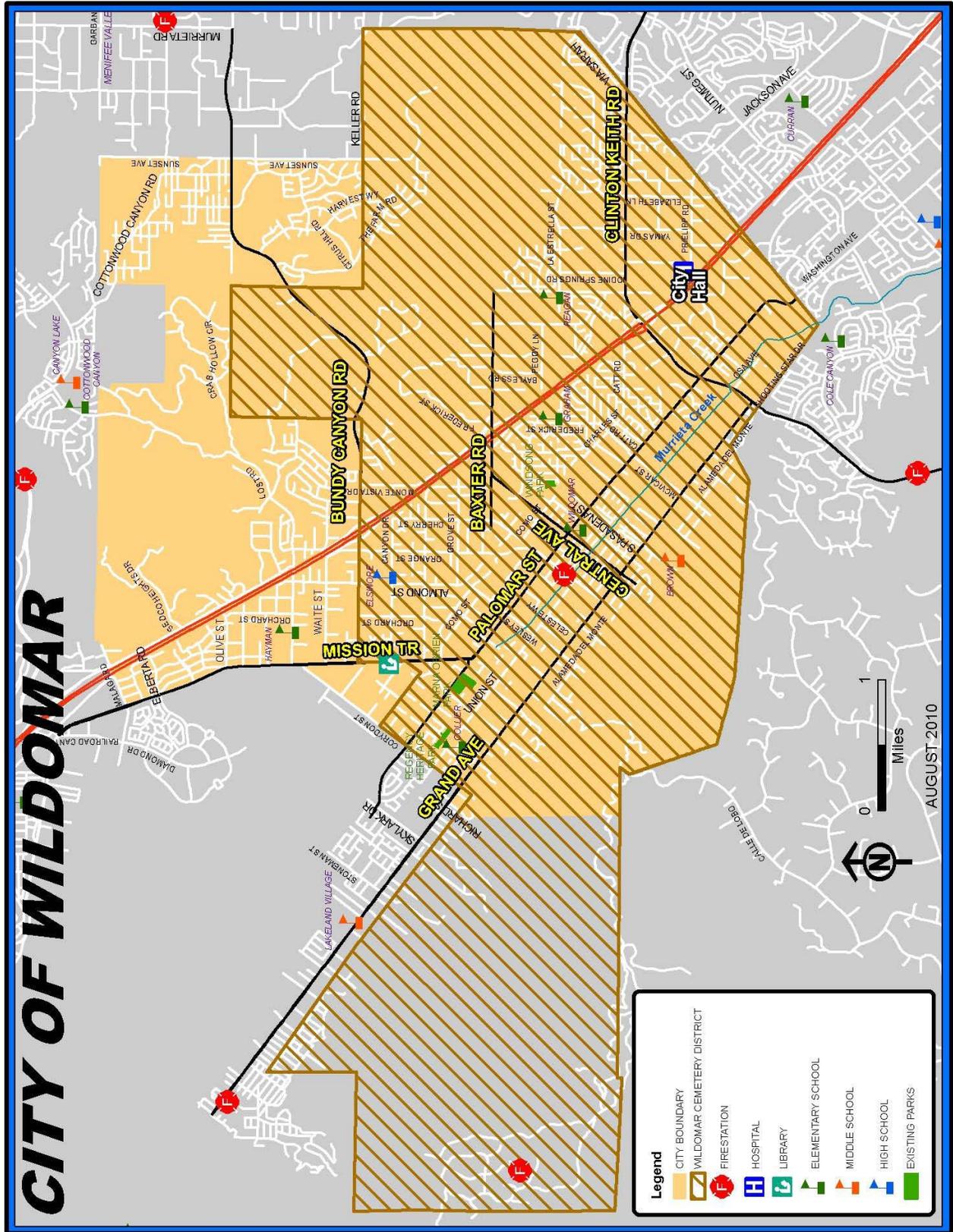
Fees and Charges:

The current fees and charges for service will not change. Over time, and as needed, the Board of Trustees (City Council) may alter the fees and charges to address changes in local conditions and the costs of doing business.

Operating Budget:

The General Manager position and the Board of Trustees currently have oversight of the budget and financial resources of the District. This responsibility will be taken over by the City Manager and Assistant City Manager/Finance Director. Annual audits will continue to be performed as part of the City's ongoing financial management programs.

FIGURE 1 – District Boundary Map



2.0 SERVICE COMPARISON/PLAN OF SERVICES

Section 2 of the Plan of Services compares the existing (before) and after conditions for the current functions, governance, daily operations and management, Infrastructure and Equipment, Fees and Charges, and Operating Budget for the Wildomar Cemetery District. The existing and proposed conditions are provided below.

2.1 Function

Existing (Before):

The Wildomar Cemetery District operates the local cemetery and oversees the management of the cemetery, the interment of the burials, and the care and maintenance of the facilities. The Wildomar Cemetery District provides these services to approximately 70% of the current City of Wildomar and to the unincorporated County areas in and around Lakeland Village.

After:

The purpose and functions of the Wildomar Cemetery District will not change or be altered once the District becomes a subsidiary of the City of Wildomar. No changes in service areas are contemplated at this time.

2.2 Governance

Existing (Before):

The Wildomar Cemetery District is a special independent district as defined by the Public Cemetery District Law, Section 9000 et. seq. of the California Health and Safety Code. The District is governed by a three member Board of Trustees that are appointed by the Riverside County Board of Supervisors to three year terms. Regular meetings are held on the first and third Monday of each month. The meetings of the Board are run by the Chairman of the Board of Trustees.

After:

The Board of Trustees will be replaced by the members of the City Council of the City of Wildomar. The role of Chairman of the Board of Trustees will be handled by a member of City Council selected a majority of the Council members. The City Council will adopt a resolution guiding the operation of the new Board of Trustee at the first meeting of the new Board. The existing Trustees will no longer be involved in the governance or operations of the Cemetery District. There are no plans to create an advisory board or commission to participate in the management of the Cemetery District.

2.3 Daily Operations and Management

Existing (Before):

The day-to-day operations of the District are overseen by a General Manager. The General Manager manages the operations of the cemetery and the activities of the full-time Head Groundskeeper, full-time Groundskeeper. The position of General Manager is currently vacant and the daily management and oversight duties are being undertaken by the members of the Board of Trustees. The current operations of the District are conducted from a 600 square foot office building and 1,600 square foot maintenance building located within the boundaries of the cemetery.

The General Manager, Head Groundskeeper, and Groundskeeper are all employees of the District and are member of the State Public Employees Retirement System (PERS). All three positions accumulate retirement benefits at a rate of 2.7% at 55, which is the same rate as the City of Wildomar.

After:

The City Manager will take over the day-to-day management of the District and will direct the operations of the District staff. The specific functional areas related to the operation of the Cemetery District are described below. Any changes or evolutions to these initial assignments will be made as necessary by the City Manager and/or Board of Trustees to ensure the continued efficient and effective operation of the District. The initial operating sub-area responsibilities for the Cemetery District's functions during the initial operating period are as follows.

- General Management Functions – The City Manager will take over these duties.
- Records Management – The City Clerk will take over these duties.
- Maintenance & Interments – Head Groundskeeper will continue to oversee these activities.
- Financial Management – The Assistant City Manager/Finance Director will take over these responsibilities.
- Fee and Charges – No changes are proposed in the schedule for the costs of the services.

The establishment of the Wildomar Cemetery District as a Subsidiary District to the City of Wildomar will result in some staff changes related to the operations of the Cemetery District. As described below, a reduction in staff costs will occur with the proposed change. The two groundskeeper positions will retain their current status as PERS employees, as well as their current hourly pay rate, and will continue to accumulate retire benefits at their current rate and at the same rate as other City employees. The proposed changes to the existing staff positions are described in Table 1 on the next page.

Table 1 - District Personnel				
Cemetery District Positions	Current (As an Independent District)	Proposed (As a Subsidiary District)	Hourly Pay Rate (As a Subsidiary District)	PERS Rate (As a Subsidiary District)
General Manager	1 Full-time position (Vacant)	Position to be eliminated.	N/A	N/A
Groundskeepers	2 Full-time positions	2 Full-time positions.	\$17.45 and \$12.00 per Hour	2.7% at 55

2.4 District Infrastructure and Equipment

Existing (Before):

District currently owns three parcels totaling 11.5 acres that are all located on the south side of Gruwell Street between Palomar and Como Streets. The two properties at the corner of Gruwell and Palomar Streets are currently used for cemetery purposes. The third property, located at the corner of Gruwell and Como Streets, is intended for the future expansion of the Cemetery. This third parcel is currently being leased to the Wildomar Little League for \$1 per year and is occupied by two ball fields. The location and current use of the Wildomar Cemetery District's properties are shown on Figure 2 (See Page 8).

The District also owns a backhoe, small dump truck, several lawn mowers and other small tools and equipment which support their current operations and maintenance activities. The District does not own any other vehicles.

After:

There are no projected changes or alterations in terms of the District's infrastructure and equipment. The existing property is adequate to meet the current needs and will continue to be used solely for operation of the cemetery. It is expected that in five to ten years, the new Board of Trustees (City Council) will conduct a study identify the long term space and facility needs to provide cemetery and burial services to the City and Cemetery District. It is anticipated that, as the equipment ages and needs to be replaced that new equipment will be purchased to provide the necessary tools to maintain the cemetery. These needs will be accommodated for as part of the annual budget process through the appropriate depreciation accounting practices.

2.5 Fee and Charges

Existing (Before):

The current charges for services at Wildomar Cemetery District are provided below. All burials include an endowment that is meant to cover a portion of long term maintenance costs associated with burial. There are also additional supplemental charges for removing or replacing monuments and disinterring previous burials. The existing fees and charges are displayed in the Table 2 on the next page.

Table 2 – Existing Fees and Charges			
	Plot Reservation/ Pre Payment ¹	In-District Funeral ²	Out-of-District Funeral ²
Full Size Interment	\$1,000	\$1,900	\$2,400
Cremation	\$400	\$660	\$1,160
Baby Burial	---	\$660	\$1,160
Niche Wall	\$900	\$975	\$1,475
1. The cost of reserving a plot or space for a future interment.			
2. Includes the cost of the plot or space from the first column.			

After:

The current schedule for services at the cemetery will not change with the establishment of the Wildomar Cemetery District as a Subsidiary District to the City of Wildomar. However, it is anticipated that the Board of Trustees (City Council) will reevaluate the current fees and charges from time to time as conditions and expenses change. The City Council will have the authority to make the final determination on any fee or charge increases as part of their fiduciary responsibility over the budget.

2.6 Operating Budget

Existing (Before):

The operations of the Wildomar Cemetery District are funded from three sources. The first is share of the property tax from properties within the District. The other two sources are Burial Fees and an Endowment associated with the purchase of plot or niche. The Wildomar Cemetery District's financial operations are audited annually by the County of Riverside.

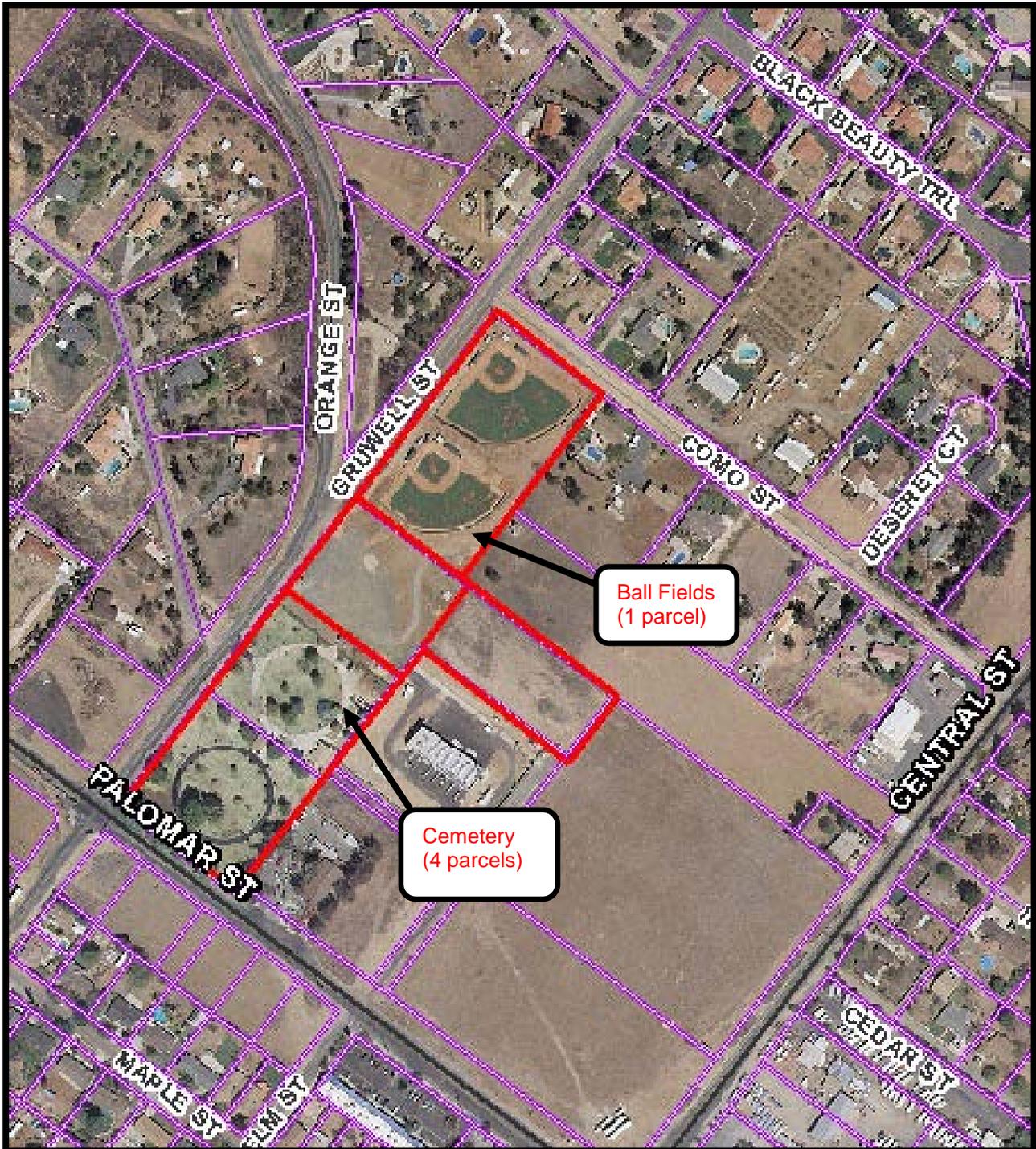
The total revenues for Fiscal Year 2008-2009 were \$451,723, the total expenses for the same period were \$317,820. Personnel costs accounted for over 90% of the District's expenses during this period. The trend of revenues exceeding normal operating expenses has consistently occurred over the last three years.

After:

No changes in the operating budget for the Wildomar Cemetery District are expected to occur with the proposed Subsidiary District Status. The existing funding sources will remain as will the requirement that these funds be used to

continue to operate and maintain the cemetery. Cemetery District functions carried out by City staff will be paid for with funds restricted for the use of District. Overall, the establishment of the Wildomar Cemetery District as a subsidiary district is expected to reduce personnel costs between \$40,000 and \$60,000 per year.

FIGURE 2 – District Property and Use



3.0 TRANSITION PLAN

Section 3 of the Plan of Services describes the specific steps to be undertaken to complete the process of making the Wildomar Cemetery District a Subsidiary District of the City of Wildomar. The transition activities consist of three different areas, governance of the District, management of the District, and the transition of employees.

The steps associated with each of these transitions are described below. Once the transitional activities are completed, the ongoing operation of the Wildomar Cemetery District will continue under the direction of the City Manager with oversight by the Board of Trustees/City Council.

3.1 Governance Transition

- A. At the first meeting of the new Board of Trustees, the Board will do the following:
 - 1. Select a Chairman and Vice-Chairman from among the membership of Board of Trustees (City Council).
 - 2. Establish the dates and times for the regular meetings of the Cemetery Board of Trustees.
 - 3. Designate the City Manager as the General Manager of the Cemetery District.
- B. As soon as practical following the first meeting of the new Board of Trustees, the Board will adopt rules, policies, procedure and/ or bylaws to guide the operations and activities of the District.

3.2 Management Transition

- A. Within 14 days of the first meeting of the new Board of Trustees the City Manager will notify all effected City staff of their responsibilities in the operation of the Cemetery District (as summarized in Section 2.3 of the Plan of Services).
- B. Within 14 days of the first meeting of the new Board of Trustees the Finance Director will establish separate fund accounts to management the financial resources of the Wildomar Cemetery District.
- C. Sixty days following the first meeting of the Board of Trustees, the City Manager shall prepare a report documenting the status of implementing the measures contained in this section of Plan of Services to the Board of Trustees (City Council).

3.3 Employee Transitions

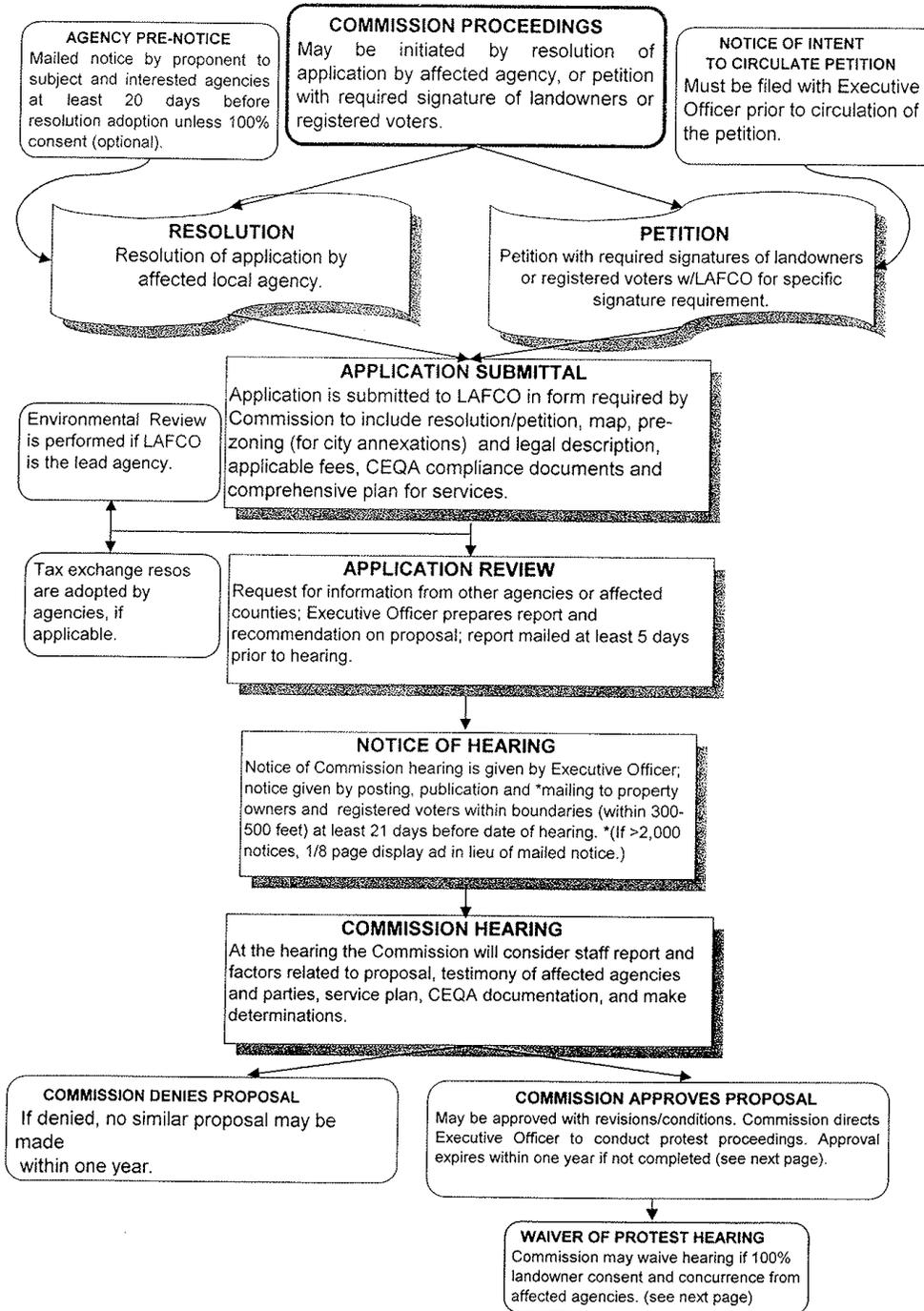
Within 30 days of the first meeting of the new Board of Trustees, the City Manager (or designee) will do the following:

- A. Notify the California PERS of any changes in the employment information of the existing employees as needed.
- B. Incorporate the two existing cemetery District staff into the City payroll and personnel systems.

ATTACHMENT B

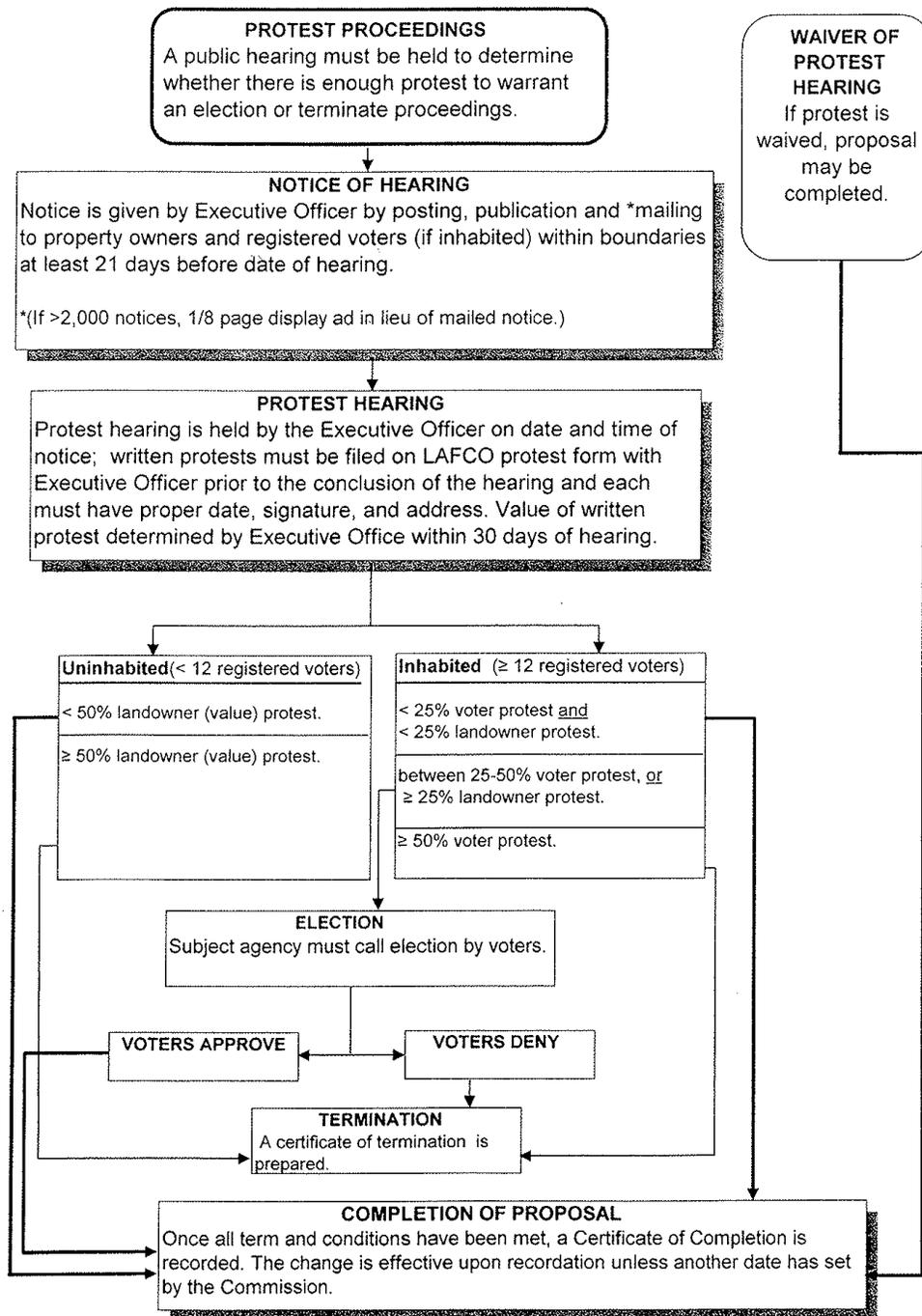
LAFCO Flow Chart of Annexation Process

**CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000
ANNEXATION/DETACHMENT/REORGANIZATION PROCEDURE DIAGRAM**



*These are generalized procedures. Processing of specific proposals can vary slightly.

**CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000
ANNEXATION/DETACHMENT/REORGANIZATION PROCEDURE DIAGRAM**



*These are generalized procedures. Processing of specific proposals can vary slightly.

CITY OF WILDOMAR – COUNCIL
Agenda Item #3.4
GENERAL BUSINESS
Meeting Date: March 23, 2011

TO: Mayor and City Council Members
FROM: Frank Oviedo, City Manager
SUBJECT: Wildomar Park Land Acquisition Request

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council authorize staff to draft a letter formally requesting acquisition of the 22 acre park property from Riverside County or request that the County provide the necessary improvements and/or cleanup of the property on a recurring basis.

BACKGROUND:

At the time of incorporation in 2008 there was an expectation, based on communication from Riverside County, that a 22 acre parcel of land on Porras Road adjacent to Ronald Reagan Elementary would be transferred to the City for the development of a future park. The property was specifically purchased for that reason as residents from the surrounding neighborhood were informed a park would be built near their housing tract.

The park property was never transferred to the City after incorporation. In fact, the land has remained untouched from the time a sign was placed at the property revealing a regional recreation facility would be built at the location. Since that time the City removed the sign due to the recurring costs associated with vandalism cleanup.

At the March 9, 2011 City Council meeting, Council asked that an item be brought back to address the park land acquisition and past promises that were made to transfer the park over to the City. The timing of this issue is being promoted by the City choosing to pursue a special parks tax to fund its current parks operations. It may be advantageous to acquire the property so that the City may begin planning, in the event the special tax passes, for a future park on the eastside of the I-15 freeway.

For this reason staff is recommending Council authorize staff to draft a letter formally requesting the park property from Riverside County.

FISCAL IMPACT:

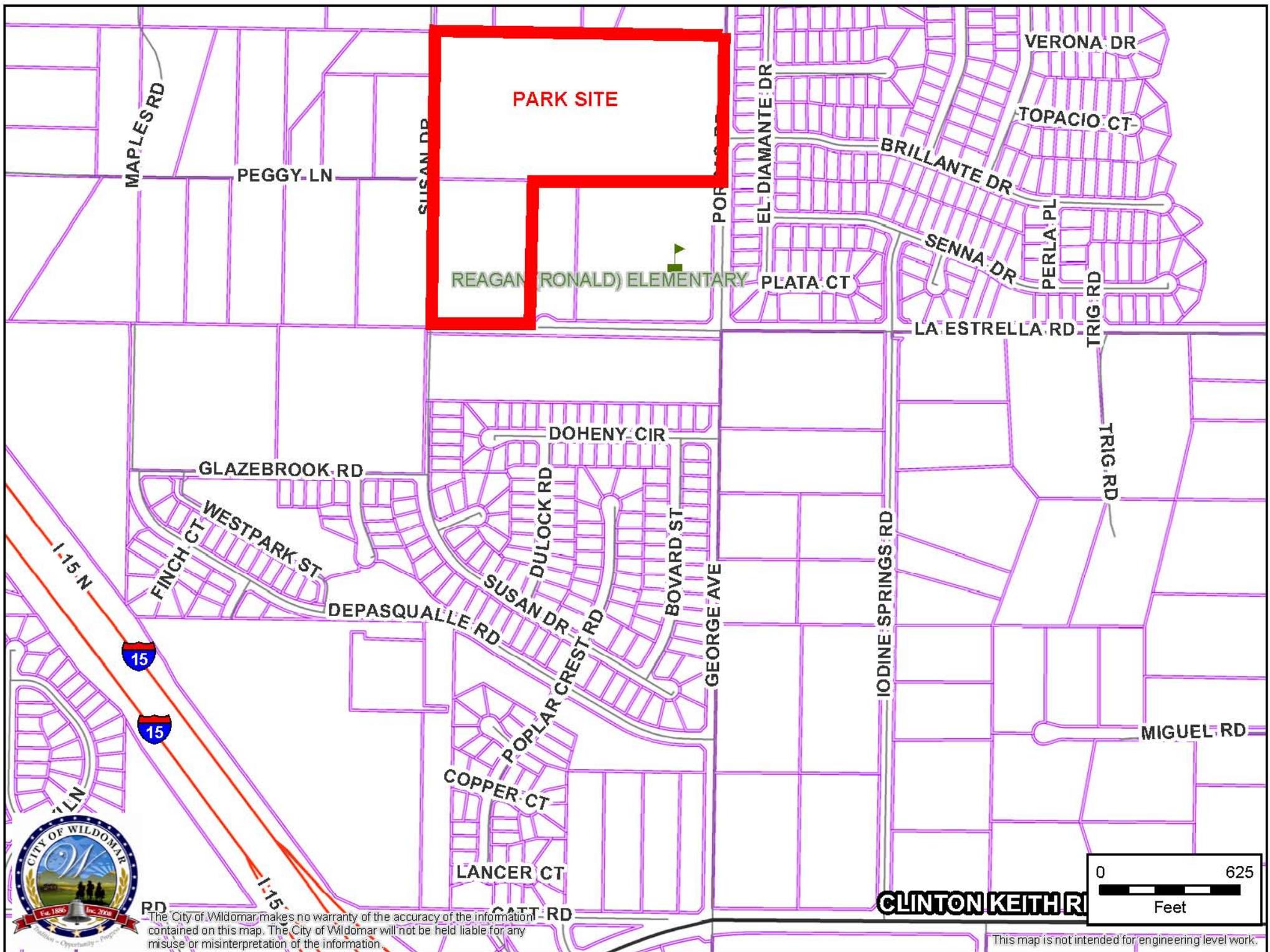
There is no fiscal impact to the City of Wildomar by requesting the property. In the event the park land is transferred to the City financial accommodations will have to be made to keep the park property clean of illegal dumping, weeds, and trash. There is currently no funding in the general fund for this activity. If the parks special tax is passed there will be funds available to keep the property clean. Additionally, if the special tax is passed staff will begin reviewing options to plan and ultimately develop the park acreage to add to the City's park inventory.

Submitted and approved By:

Frank Oviedo
City Manager

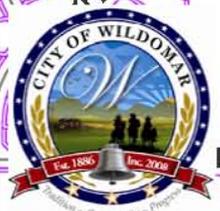
ATTACHMENTS:

Map of the Property



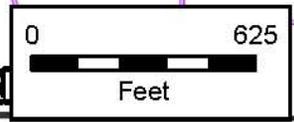
PARK SITE

REAGAN (RONALD) ELEMENTARY

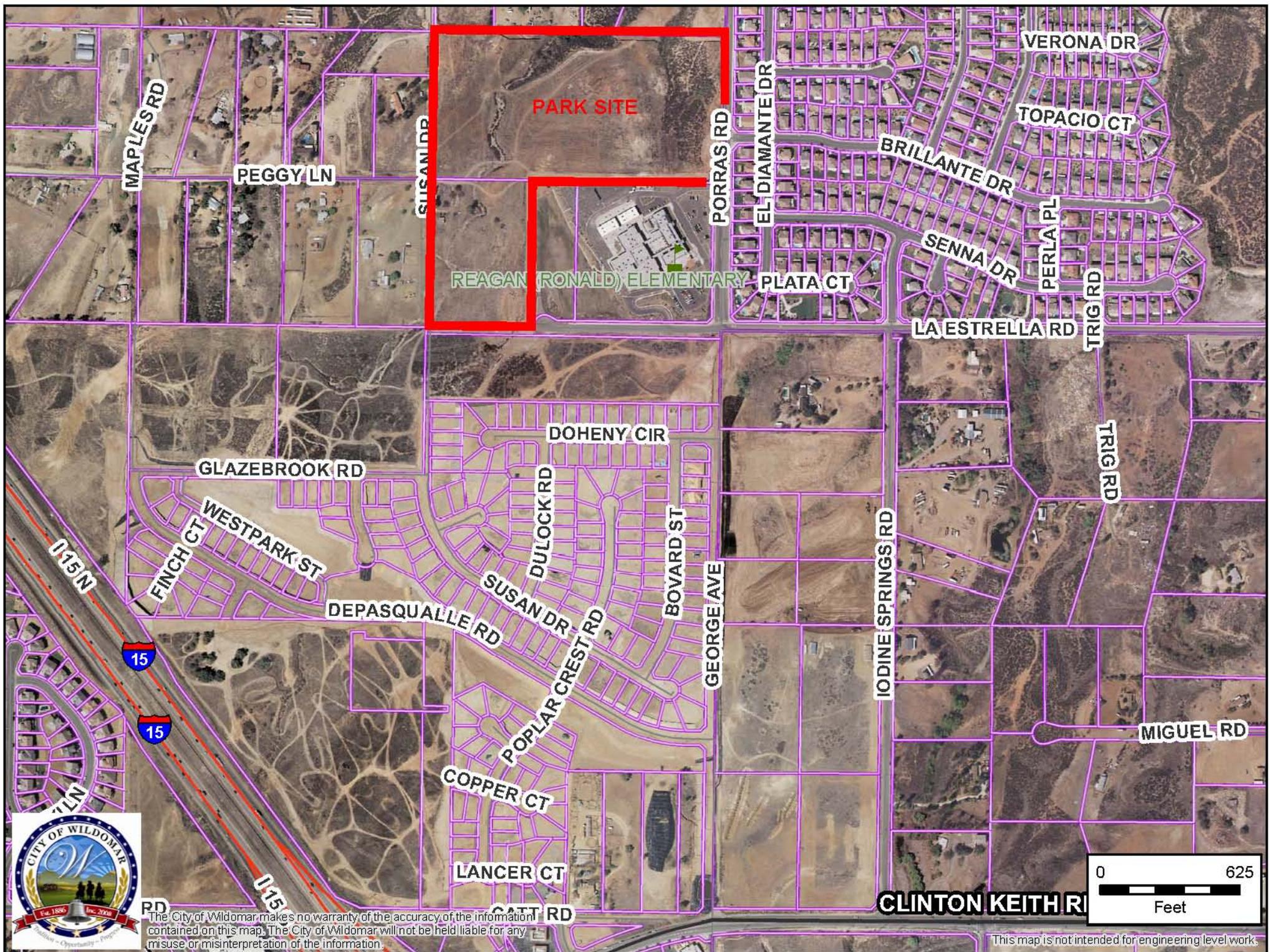


The City of Wildomar makes no warranty of the accuracy of the information contained on this map. The City of Wildomar will not be held liable for any misuse or misinterpretation of the information.

CLINTON KEITH R

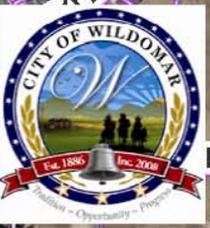


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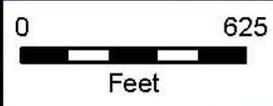


PARK SITE

REAGAN (RONALD) ELEMENTARY



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This map is not intended for engineering level work.

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #3.5
GENERAL BUSINESS
Meeting Date: March 23, 2011

TO: Mayor and City Council Members
FROM: Tim D'Zmura, Public Works Director
SUBJECT: Caltrans Community-Based Transportation Planning Grant Program

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council adopt a Resolution entitled:

RESOLUTION NO. 2011 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AUTHORIZING SUBMITTAL OF A CALTRANS COMMUNITY BASED
TRANSPORTATION PLANNING GRANT PROGRAM APPLICATION

BACKGROUND:

The California Department of Transportation (Caltrans) provides transportation planning grants for a variety of project types on an annual basis. These grants are intended to promote a balanced, comprehensive multi-modal transportation system. The competitive CBTP program is intended to integrate transportation and land-use planning with community values to develop "livable" communities. The program anticipates providing \$3 million statewide with a maximum grant of \$300,000 per application). The competitive grant application is due March 30, 2011.

Projects are evaluated according to their ability to develop and implement plans that lead to community based, collaborative, transportation/mobility/land-use improvements that meet the California Transportation Plan Goals and Grant Goals, summarized as follows:

- **Improve Mobility and Accessibility:** Expand the system and enhance modal choices and connectivity to meet the State's future transportation demands.
- **Preserve the Transportation System:** Maintain, manage, and efficiently utilize California's existing transportation system.
- **Support the Economy:** Maintain, manage, and enhance the movement of goods and people to spur the economic development and growth, job creation, and trade.
- **Enhance Public Safety and Security:** Ensures the safety and security of people, goods, services, and information in all modes of transportation.

- **Reflect Community Value:** Helps find transportation solutions that balance and integrate community values with transportation safety performances and encourages public involvement in transportation decisions.
- **Enhance the Environment:** Plan and provide transportation services while protecting our environment, wildlife, historical and cultural assets.
- **Complements or Advances the Region’s Blueprint Planning Efforts.**
- **Advances a community’s effort to reduce greenhouse gases** and will assist transportation agencies in create enduring communities.

The Statewide grant is a highly competitive grant where each project competes against all other submitted grant applications throughout the state.

Proposed Project: Community Planning Public Outreach and Transportation Planning Study Project

Staff has proposed the development of a targeted Public Outreach Action Plan to bring more community groups and members into Wildomar’s transportation planning process. The propose outreach project will seek community input on transportation improvement priorities such regarding improvements to unpaved roadways, specific bike/pedestrian routes to schools, and other transportation needs. As a result, City staff will be able to create technical transportation planning studies in the areas of transportation mobility and priorities to guide General Plan implementation and development of Capital Improvement Program priorities.

The proposed Community Planning Public Outreach Project will provide a process to educate and gather input from the public and stakeholder groups regarding the city’s short and long ranging planning outlook. The proposed project specifically targets current issues affecting Wildomar and the Riverside County Region such as transportation mobility needs for motorists, bicyclists and pedestrian and linkages between land use and transportation.

The grant project totals \$100,000, with \$90,000 requested from the grant and a \$10,000 (10% local match). Measure A and Gas tax funds would be eligible sources for the local match.

The public outreach efforts will allow the community to provide a first-hand perspective to identify community concerns such as:

- Congested transportation routes
- Unpaved road issues
- Sidewalk accessibility issues
- Lack of Safe Routes to School for students walking/bicycling to school
- Bicycle transportation needs
- Community sustainability and environmental preservation issues

Specific deliverables from community meetings will be technical studies and work products that will do the following:

- Identify the costs to improve unpaved roads citywide and prioritize the roads (highest to low) for investment of funding.
- Identify bicycle lanes or striping that can be included in an unpaved road improvement and the cost of those improvements.
- Identify key bicycle corridors or routes the City Council should consider as a priority for investment and the costs of those improvements. This identification would serve as a foundation for the development of a future City Bicycle MasterPlan.
- Identify areas in the community (around schools or other key areas) that should be targeted for sidewalk improvements to either improve transportation accessibility for pedestrians or provide “safe routes to school”. These priorities can assist the City in pursuing future grant opportunities consistent with community priorities.
- Summary of community concerns and recommendations for community sustainability and environmental preservation in the implementation of the General Plan. This input will help guide Council in future land use and transportation policy development.

The Caltrans Community-Based Transportation Planning Grant program represents a viable funding source to implement improved transportation congestion and mobility strategies in the City. It also provides a funding source to expand community outreach efforts in concert with Capital Improvement Program Development.

FISCAL IMPACTS:

There are no immediate fiscal impacts to the City of Wildomar for submitting an application to the Caltrans Community-Based Transportation Planning Grant program. However, if the City’s project is selected for a grant, the grant will add \$90,000 to the City budget, and the City will be required to provide a 10% local match of the funding request which can be from Measure A and/or gas tax revenues.

Submitted by:

Approved by:

 Tim D’Zmura
 Public Works Director

 Frank Oviedo
 City Manager

ATTACHMENTS:

1. Resolution No. 2011 - _____

RESOLUTION NO. 2011 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AUTHORIZING SUBMITTAL OF A CALTRANS COMMUNITY BASED
TRANSPORTATION PLANNING GRANT PROGRAM APPLICATION**

WHEREAS, the Legislature and Governor of the State of California have provided funds for a competitive program called the Community-Based Transportation Planning Grant Program; and

WHEREAS, the California Department of Transportation (“Caltrans”) has been delegated the responsibility for the administration of the grant program, establishing the necessary procedures; and

WHEREAS, the City of Wildomar (“City”) will submit a grant application of up to \$100,000 funding request with a mandatory 10% local match (up to \$10,000); and

WHEREAS, the City Manager or his designee is authorized to execute and carry out grant related documents or agreements on behalf of the City; and

WHEREAS, if selected, the City will enter into an agreement with Caltrans to carry out the development of the proposal.

NOW, THEREFORE, the City Council of Wildomar does resolve as follows:

1. Authorize the submittal of a Community-Based Transportation Planning Grant for up to \$100,000.
2. Approves the use of up to \$10,000 in City funds as a mandatory 10% local match.
3. Authorize the City Manager or his designee to execute and carry out grants related documents or agreements on behalf of the City of Wildomar.

PASSED, APPROVED, AND ADOPTED this 23rd day of March 2011.

Marsha Swanson
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR CITY COUNCIL
Agenda Item #3.6
GENERAL BUSINESS
Meeting Date: March 23, 2011

TO: Mayor and City Council Members

FROM: Gary Nordquist, Assistant City Manager

SUBJECT: Assessments and Liens for Unpaid and Delinquent Charges for Trash Collection Services

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council adopt a Resolution entitled:

RESOLUTION NO. 2011 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING SPECIAL ASSESSMENTS AND LIENS AGAINST
PARCELS OF LAND FOR UNPAID AND DELINQUENT CHARGES FOR TRASH
COLLECTION SERVICES

BACKGROUND/DISCUSSION:

Upon incorporation, the City of Wildomar adopted Riverside County Ordinance 745 establishing the authority of the City of Wildomar as a comprehensive collection area in which waste collection services are mandatory. The adopted Resolution 2006-159 has established a Tax Lien Guaranteed Comprehensive Collection area for the residential properties located with the City.

The City of Wildomar has contracts with two waste haulers, CR&R and Waste Management. This resolution pertains only to establishing special assessments and liens against parcels of land for unpaid and delinquent charges with Waste Management and CR&R.

In accordance with Ordinance 745, the aforementioned adopted resolutions above, and Proposition 218, if sufficient notification is given to property owners by the Waste Hauler for unpaid and delinquent charges and there is no payment of the balance or reported dispute, then the cost of the unpaid trash collection fees and applicable surcharges will need to become a special assessment on the tax rolls. A list of parcels and their respective unpaid trash collection fees and surcharges shall be brought forth in a public hearing and approved by City Council to become special assessments and included on the tax rolls. Upon the property owner's payment to the County Tax Assessor for the special assessment, payment will then be made to the Waste Hauler for the balance of the unpaid and delinquent charges for trash collections services. This collection process is the same as when administered by the County, prior to the City's incorporation.

FISCAL IMPACTS:

After collection of the special assessment and remittance of those assessments to the Waste Hauler, the City shall receive its proportionate share of the franchise fee for the respective amount.

Submitted by:

Approved by:

Gary Nordquist
Assistant City Manager

Frank Oviedo
City Manager

ATTACHMENT:

Resolution No. 2011 - _____

RESOLUTION NO. 2011 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA,
ADOPTING SPECIAL ASSESSMENTS AND LIENS AGAINST PARCELS OF LAND FOR
UNPAID AND DELINQUENT CHARGES FOR TRASH COLLECTION SERVICES**

WHEREAS, Riverside County Ordinance 745 has established the authority of the Board of Supervisors to designate areas of the County as comprehensive collection areas in which waste collection services are mandatory; and

WHEREAS, The County of Riverside adopted Resolution No. 2006-159 which has established a Tax Lien Guaranteed Comprehensive Collection area for the residential properties located within the City of Wildomar; and

WHEREAS, the City of Wildomar, by reference upon incorporation on July 1, 2008, adopted Riverside County Ordinance 745 and the County of Riverside Resolution No. 2006-159, thereby establishing a Tax Lien Guaranteed Comprehensive Collection area for the residential properties located within the City of Wildomar; and

WHEREAS, pursuant to Ordinance 745, Resolution No. 2006-159 and Proposition 218, sufficient notification and opportunity for appeal will be given to property owners by the Waste Hauler for unpaid and delinquent charges; and

WHEREAS, certain parcels and their respective unpaid trash collection fees and surcharges shall be brought forth in a public hearing and approved by City Council to become special assessments and included on the tax rolls; and

WHEREAS, certain parcels maintained unpaid and delinquent charges for waste collection services, which will be paid by the County Tax Assessor to the Waste Hauler upon the property owner's payment of the special assessment; and

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

- A. That the City Council of the City of Wildomar shall constitute special assessments against the respective parcels of land, and are liens on said lands in the amount of the respective assessments, as authorized by Government Code section 25828. In addition, the surcharge as allowed by Riverside County Ordinance 640 shall take effect when the lien is applied to the property tax bill.
- B. That a certified copy of this Resolution and a list of parcels with their respective unpaid trash collection fees and surcharges shall be transmitted to the Auditor-Controller of Riverside County prior to their deadline to submit information to be placed on the tax rolls.
- C. That the Auditor-Controller of Riverside County shall enter the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll and said assessments shall be collected at the same time and in the same manner as ordinary municipal ad valorem taxes as provided by Section 13 of Ordinance No. 745.

PASSED, APPROVED AND ADOPTED this 23rd day of March, 2011.

Marsha Swanson
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk