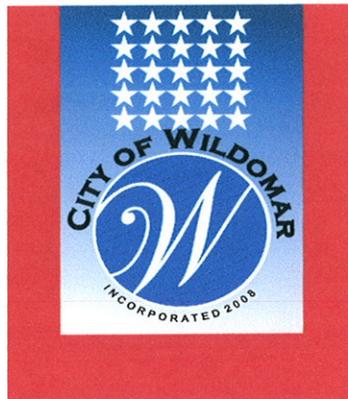


CITY OF WILDOMAR
CITY COUNCIL

AGENDA

7:00 P.M.

April 22, 2009
Council Chambers
23873 Clinton Keith Road



Scott Farnam, Mayor
Bridgette Moore, Mayor Pro Tem
Sheryl Ade, Council Member
Bob Cashman, Council Member
Marsha Swanson, Council Member

City Manager
John Danielson

City Attorney
Julie Hayward Biggs

**WILDOMAR CITY COUNCIL
REGULAR MEETING AGENDA
APRIL 22, 2009**

ORDER OF BUSINESS: Public sessions of all regular meetings of the City Council begin at 7:00 P.M. Closed Sessions begin at 6:00 P.M. or such other time as noted.

REPORTS: All agenda items and reports are available for review at Wildomar City Hall, 23873 Clinton Keith Road and at the Mission Trail Library, 34303 Mission Trail Blvd., Wildomar, CA. Any writings or documents provided to a majority of the City Council regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection at City Hall during regular business hours. If you wish to be added to the regular mail list to receive a copy of the agenda, a request must be made through the City Clerk's office in writing or by e-mail.

PUBLIC COMMENTS: Prior to the business portion of the agenda, the City Council will receive public comments regarding any agenda items or matters within the jurisdiction of the governing body. This is the only opportunity for public input except for scheduled public hearing items. The Mayor or chairperson will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Speaker/Comment Card" available at the door. The completed form is to be submitted to the Mayor prior to an individual being heard. Lengthy testimony should be presented to the Council in writing (8 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker.

ADDITIONS/DELETIONS: Items of business may be added to the agenda upon a motion adopted by a minimum 2/3 vote finding that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted. Items may be deleted from the agenda upon request of staff or upon action of the Council.

CONSENT CALENDAR: Consent Calendar items will be acted on by one roll call vote unless members, staff or the public request the item be discussed and/or removed from the Consent Calendar for separate action.

7:00 P.M.

Roll Call:

Flag Salute: Wildomar Young Marines

Presentations: Code Enforcement Monthly Update

Certificate of Appreciation, Wildomar Young Marines

Trail and bike lanes, Gary Andre

Oral Communications: This is the time for any citizen to comment on any item listed or not listed on the agenda. Comments relative to noticed public hearing items will be heard at that time the public hearing is conducted. Under the provisions of the Brown Act, the legislative body is prohibited from discussing or taking action on items not listed on the agenda. The City Council encourages members of the public to address them at this time so that your questions and/or concerns can be heard.

PUBLIC COMMENTS:

1. CONSENT CALENDAR:

All matters listed under the Consent Calendar are considered routine and will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the Council, the public or staff request specific items be removed from the Consent Calendar for separate action.

1 A. Approve the reading by title only of all ordinances.

1 B. Approve regular meeting minutes dated April 8, 2009.

- 1 C. Approve Warrant Registers dated April 8, 2009 in the amount of \$253,7473.31, April 16, 2009 in the amount of \$10,991.24, April 22, 2009 in the amount of \$29,109.18 and Payroll Register dated April 22, 2009 in the amount of \$1,280.28.
- 1 D. Review and approve the Treasurer's Report for Cash and Investments for the month of March, 2009.
- 1 E. Review and consider authorizing the City Manager to enter into a contract with Quality Code to codify the Riverside County Code and all Wildomar ordinances into the Wildomar Municipal Code and provide annual updates.
- 1 F. Review and consider adoption of a Resolution that provides for the detachment of County Service Area 103, which provides for street lighting services within the unincorporated areas of Riverside County.

RESOLUTION NO. 09-18 RESOLUTION OF APPLICATION BY THE CITY COUNCIL FOR THE CITY OF WILDOMAR REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE DETACHMENT OF LAFCO 2007-39-1 ANNEXATION 111 FROM COUNTY SERVICE AREA 103

- 1 G. Review and consider adoption of a Resolution supporting the reauthorization of the Federal Safe Routes to School (SRTS) Legislation.

RESOLUTION NO. 09-19 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR SUPPORTING THE REAUTHORIZATION OF THE FEDERAL SAFE ROUTES TO SCHOOL (SRTS) LEGISLATION

- 1 H. Review and consideration adoption of a Resolution supporting the Santa Ana River Watershed Integrated Regional Water Management Plan.

RESOLUTION NO. 09-20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA SUPPORTING THE "ONE WATER ONE WATERSHED" SANTA ANA RIVER WATERSHED INTEGRATED REGIONAL WATER MANAGEMENT PLAN AND ITS SUBMITTAL TO THE DEPARTMENT OF WATER RESOURCES FOR PROPOSITION 84, CHAPTER 2 PROGRAM FUNDING

- 1 I. Review and consider second reading and adoption of an Ordinance amending the Transportation Uniform Mitigation Fee (TUMF) (public hearing held March 25, 2009)

ORDINANCE NO. 24 (second reading and adoption) AN ORDINANCE OF THE CITY OF WILDOMAR AMENDING CITY ORDINANCE NO. 824 AUTHORIZING PARTICIPATION IN THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM

- 1 J. Review and consider authorizing the City Manager to enter into a contract with Lance, Soll, and Lunghard, LLP to provide for audit services and preparation of required reports for fiscal years 2008-09, 2009-10, 2010-11.
- 1 K. Authorize the Mayor to execute a letter of support to RCTC Government Relations Manager, supporting RCTC's priority corridor projects; Alameda corridor East (railroad grade separations throughout Riverside County), Interstate 215 and Interstate 10.

2. PUBLIC HEARINGS: None.

3. GENERAL BUSINESS ITEMS:

- 3 A. Discussion regarding direction for the hiring for the positions of City Manager and City Clerk and consider adopting the proposed salary ranges.
- 3 B. Review and consider introduction and first reading of an ordinance providing purchasing procedures for the City.

ORDINANCE NO. 25 (Introduction and 1st reading) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADDING CHAPTERS 3.06, 3.07 AND 3.08 TO THE WILDOMAR MUNICIPAL CODE PERTAINING TO BIDS, PURCHASES AND CONTRACTS.

- 3 C. Review and consider adoption of an urgency ordinance regulating holders of state-issued video franchises.

ORDINANCE NO. 26 (Introduction and adoption) URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR ADOPTING WILDOMAR MUNICIPAL CODE SECTIONS REGARDING CABLE FRANCHISE AND VIDEO

SERVICE AND CONTINUING FRANCHISE FEES.

- 3 D. Review and consider introduction and first reading of an ordinance regulating holders of state-issued video franchises.

ORDINANCE NO. 27 (Introduction and 1st reading) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR ADOPTING WILDOMAR MUNICIPAL CODE SECTIONS REGARDING CABLE FRANCHISE AND VIDEO SERVICE AND CONTINUING FRANCHISE FEES.

- 3 E. Review and consider adoption of various Resolutions and the introduction and first reading of an ordinance that relates to the implementation of the California Standardized Emergency Management System (SEMS) and by extension, the National Incident Management System (NIMS), which is currently integrated into SEMS in California. This will provide for greater efficiency, planning and response to a major catastrophe and to qualify for the recovery of response costs during declared emergencies.

RESOLUTION NO. 09-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING THE AGREEMENT FOR PARTICIPATION IN THE OPERATIONAL AREA ORGANIZATION OF THE COUNTY OF RIVERSIDE

ORDINANCE NO. 28 (Introduction and 1st reading) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AMENDING AND RESTATING WILDOMAR MUNICIPAL CODE CHAPTER 2.100 PROVIDING FOR THE ADMINISTRATION OF DISASTER OPERATION AND RELIEF IN THE CITY OF WILDOMAR

RESOLUTION NO. 09-22 A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WILDOMAR RELATIVE TO WORKERS' COMPENSATION BENEFITS FOR REGISTERED VOLUNTEER "DISASTER SERVICE WORKERS"

RESOLUTION NO. 09-23 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, SUPPORTING THE INTEGRATION AND IMPLEMENTATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) FOR EFFECTIVELY HANDLING EMERGENCY SITUATIONS

RESOLUTION NO. 09-24 A RESOLUTION BY THE CITY COUNCIL FOR THE CITY OF WILDOMAR AGREEING TO ABIDE BY THE CALIFORNIA AND CIVIL DEFENSE MASTER MUTUAL AID AGREEMENT

- 3 F. Review and consider introduction and first reading of an ordinance relating

to registered sex offender residency restrictions.

ORDINANCE NO. 29 (Introduction and 1st reading) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADDING SECTION 11.04.040 OF THE WILDOMAR MUNICIPAL CODE, RELATING TO REGISTERED SEX OFFENDER RESIDENCY RESTRICTIONS

- 3 G. Review and consider the Finance Director's mid-year budget review, consider approving recommended budgetary changes to address known budget deficiencies and consider approving recommended budget changes to align the budget with projected fiscal year end actual revenues and expenditures and identify changes which materially impact fund balances.

CITY MANAGER REPORT, John Danielson

CITY ATTORNEY REPORT, Julie Hayward Biggs:

COUNCIL COMMUNICATIONS:

FUTURE AGENDA ITEMS:

ADJOURNMENT:

Motion to adjourn to April 24, 2009, 9:00 A.M. norming session workshop to discuss:

- (1) Review and discussion of the General Plan
- (2) Presentation by the City Attorney's Office regarding Website access
- (3) If time permits, the following:
 - Parks Committee, role and responsibilities
 - Discussion regarding an Ethics Code
 - RDA and the City's role
 - Discussion regarding Economic Development

The next regular meeting is scheduled for May 13, 2009

If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans With Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the City Clerk either in person or by telephone at (951) 677-7751, no later than 10:00 A.M. on the day preceding the scheduled meeting.

POSTING STATEMENT: On April 17, 2009, a true and correct copy of this agenda was posted at the three designated posting places; Wildomar City Hall, 23873 Clinton Keith Road, U. S. Post Office, 21392 Palomar Street, and Mission Trail Library, 34303 Mission Trail Blvd.

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 1 B.
CONSENT CALENDAR ITEM
Meeting Date: April 22, 2009

CITY OF WILDOMAR
CITY COUNCIL MEETING MINUTES
APRIL 8, 2009

The regular meeting of April 8, 2009 of the Wildomar City Council was called to order by Mayor Scott Farnam at 7:00 P.M.

Roll Call showed the following Council Members in attendance: Mayor Scott Farnam, Council Members Sheryl Ade, Bob Cashman and Marsha Swanson. Mayor Pro Tem Moore was absent.

Staff in attendance: Assistant City Manager Terry Fitzwater, City Attorney Julie Hayward Biggs, Supervising Engineer Jon Crawford, Assistant Planning Director Dave Hogan, Finance Director Gary Nordquist, Fire Chief Steve Beach and City Clerk Sheryll Schroeder.

FLAG SALUTE: Flag salute was led by Council Member Swanson.

PRESENTATIONS: Fire Chief Beach gave the Fire Department update for the month of March. He reminded everyone of the annual weed abatement inspections taking place in the next three months.

COMMUNICATIONS FROM THE PUBLIC:

Karleen Davis explained her business, Green Genie Lawn Dye service.

Council Member Cashman asked if this was a fire retardant substance, to which Ms. Davis answered no, it was strictly cosmetic.

Roger Zimer, speaking on Item 1 E., said he was available to answer any questions and reviewed the history and usage of the Rancho Springs Medical Center.

1. CONSENT CALENDAR:

Council Member Ade requested items 1 D., 1 E. and 1 F. be pulled for separate discussion and action.

Council Member Swanson moved to approve the Consent Calendar with Items 1 D., 1E. and 1 F. pulled, seconded by Council Member Ade. Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore. Motion carried.

- 1 A. Approved the reading by title only of all ordinances.
- 1 B. Approved special meeting minutes dated March 25, 2009, regular meeting minutes dated March 25, 2009 and the adjourned regular City Council meeting minutes of March 18, 2009.
- 1 C. Approved Warrant Register dated April 8, 2009 in the amount of \$294,770.93.
- 1 G. Reviewed and adopted a Resolution ordering annexation of Street Lighting Zone 88 of LLMD No. 89-1-Consolidated, confirming the diagram and assessment for said zone and levying assessments on all assessable lots for fiscal year 2009-10.

RESOLUTION NO. 09-17 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR ORDERING THE ANNEXATION OF STREET LIGTHING ZONE 88 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE CITY OF WILDOMAR AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR STREET LIGHTING ZONE 88 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AND LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN FOR THE FISCAL YEAR 2009-10

Motion: Directed the County of Riverside Auditor-Controller's Office to establish an interest-bearing sub-fund 20000 to receive deposits and interest thereon from Street Lighting Zone 88 of Landscaping and Lighting Maintenance District No. 89-1-Consolidated; in accordance with Section 22655-22656 of the Streets and Highways Code.

- 1 D. Authorized the Mayor to execute letters of support for Senator Hollingsworth's introduction for **Senate Bill 568** (allow a taxpayer to elect to pay a tax on the sale or disposition of any capital asset that results in a net capital gain in an amount equal to 2% of the total net capital gain); **Senate Bill 566** (would make the unauthorized removal, disabling or tampering with a GPS device punishable); **Senate Bill 668** (would require registration, preregistration or re-registration of persons convicted of specified sex offenses be signed under penalty of perjury); **Senate Bill 669**

(would provide whether a committed person should be conditionally released or unconditionally discharged if the person fails to engage in treatment would be considered evidence that his or her condition has not changed); and **Senate Bill 214** introduced by Senator Benoit (which would provide that a sober living home is exempt from licensure under certain provisions, and provide that a resident housing those purporting to be recovering from drug and alcohol abuse would be presumed to be a sober living home if it has been certified, registered, or approved by a recognized nonprofit organization that provides a credible quality assurance service for applicants or members).

Council Member Ade expressed that if the items were taken together that it may set a precedent, she felt the Senate Bills should have been separated out and voted on separately. She moved to separate the bills out and vote on separately, seconded by Council Member Cashman. Roll call vote: - Ayes: 2; Council Members Ade and Cashman. Nays: 2, Mayor Farnam and Council Member Swanson. Absent: Mayor Pro Tem Moore. Motion failed.

Council Member Swanson moved to authorize the Mayor to execute letters of support for Senator Hollingsworth's introduction for Senate Bill 568, 566, 668 and 669 and Senate Bill 214 introduced by Senator Benoit. Seconded by Mayor Farnam.

Council Member Ade reiterated that she felt the Council was setting a precedent.

Council Member Cashman, speaking on Senate Bill 669, asked the City Attorney to explain the bill.

City Attorney Biggs noted that the full bill was attached to the staff report and read the bill.

Roll call vote: - Ayes: 2; Mayor Farnam and Council Member Swanson. Nays: 2, Council Members Ade and Cashman. Absent: Mayor Pro Tem Moore. Motion failed.

Council Member Ade noted again that she just wished to separate them out with separate votes and she so moved. Seconded by Council Member Swanson. Roll call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore. Motion carried.

Senate Bill 568, Council Member Swanson moved to authorize the Mayor to execute a letter of support for Senator Hollingsworth's introduction for Senate Bill 568, seconded by

Council Member Ade. Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore.
Motion carried.

Senate Bill 566, Council Member Swanson moved to authorize the Mayor to execute a letter of support for Senator Hollingsworth's introduction for Senate Bill 566, seconded by Council Member Ade.

Council Member Cashman asked what would happen if the ankle device did not work, or was a faulty device. Council Member Swanson noted the bill said "removal, disabling or tampering with a GPS device". Roll Call vote: - Ayes: 3; Mayor Farnam, Council Members Ade and Swanson. Nays: 1, Council Member Cashman. Absent: Mayor Pro Tem Moore.
Motion carried.

Senate Bill 668, Council Member Swanson moved to authorize the Mayor to execute a letter of support for Senator Hollingsworth's introduction for Senate Bill 668, seconded by Council Member Ade. Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore.
Motion carried.

Senate Bill 669, Council Member Swanson moved to authorize the Mayor to execute a letter of support for Senator Hollingsworth's introduction for Senate Bill 669, seconded by Council Member Ade. Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore.
Motion carried.

Senate Bill 214, Council Member Swanson moved to authorize the Mayor to execute a letter of support for Senator Benoit's introduction for Senate Bill 214, seconded by Council Member Ade. Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore. Motion carried.

- 1 E. Review and consider authorizing the Mayor to execute a letter to Governor Schwarzenegger for the approval and licensing of the Murrieta Rancho Springs Medical Center.

Council Member Swanson moved to authorize the Mayor to execute a letter to Governor Schwarzenegger for approval and licensing of the Murrieta Rancho Springs Medical Center, seconded by Council Member Ade. Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore. Motion carried.

- 1 F. Review and consider supporting a joint Safe Route to School project with the Lake Elsinore Unified School District in the submission of a Safe Route to School grant for improvements at the David A. Brown Middle School.

Council Member Swanson moved to support a joint Safe Route to School project with the Lake Elsinore Unified School District in the submission of a Safe Route to School grant for improvements at the David A. Brown Middle School. Seconded by Council Member Cashman.

Council Member Ade mentioned that there was no information about the off-site improvements, with multi use trails in the area; she was concerned about turning it over to the school district without the district working with staff.

Jon Crawford, Supervising Engineer, explained that staff had been meeting with the School District regarding the project and he noted that the district had to have City approval of their plans and staff would make sure they conformed to the joint use requirements in the area.

Council Member Ade asked if there was anything in writing, rather than sidewalk, the City's general plan called for a multi use trail in the area and she wondered what would happen.

Mr. Crawford said the Wildomar School was being treated the same, one side of the street was a joint use and the other side would be sidewalk. He noted that they could not do the improvements without the City's approval.

Council Member Swanson added that the proposed Council action was just approval for the grant money.

Council Member Ade explained she was not opposed, she felt student safety was important, but she wanted to make sure that if the improvement was in an area where there was a multi use trail and a sidewalk is constructed, there would be a disconnectivity of the trail system.

Mr. Crawford said he understood and would carry that message forward.

She added that she would like to see what the grant contained so she could follow along as it moved forward and the City did not know the conditions of the grant.

Mr. Crawford explained that the grant was a means of trying to provide pedestrian/bicycle use to an existing school, to try to improve an area that was under-improved and in this case, the district would like to support a project but cannot carry the grant forward. So the City will carry the grant for them but they cannot do any improvements within the City without getting permits from the City and do the improvements based on plans that the City approves.

Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore. Motion carried.

2. PUBLIC HEARINGS:

- 2 A. A public hearing to consider an amendment to Ordinance 824 adjusting the Transportation Uniform Mitigation Fee (TUMF) applicable to all development in the City of Wildomar.

ORDINANCE NO. 24 (Introduction and first reading) AN ORDINANCE OF THE CITY OF WILDOMAR AMENDING ORDINANCE NO. 824 AUTHORIZING PARTICIPATION IN THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM

Jon Crawford, Supervising Engineer, provided the staff report.

At 7:31 P.M., Mayor Farnam opened the public hearing and hearing no testimony, he closed the public hearing.

Council Member Ade questioned the term "periodic review" used in the staff report and she wondered if they did annual reviews and if there was a change when the index went up, asking when they would review it.

Mayor Farnam explained the nexus continues to go up but they had paused raising fees. Obviously with little building occurring, this would offer the building community an incentive, he added. He said the fees would eventually go up.

Council Member Swanson moved to introduce and hold first reading of Ordinance No. 24, seconded by Council Member Ade. Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore. Motion carried.

The City Clerk read the title of ORDINANCE NO. 24, AN ORDINANCE OF THE CITY OF WILDOMAR AMENDING ORDINANCE NO. 824 AUTHORIZING PARTICIPATION IN THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM

3. GENERAL BUSINESS ITEMS: None.

CITY MANAGER REPORT:

Assistant City Manager Fitzwater said there were still some Strategic Visioning documents and the City was still taking comments.

CITY ATTORNEY REPORT:

City Attorney Biggs reported the franchise ordinances would probably be ready for the next agenda and the Jessica's Law ordinance with the predator zone map.

COUNCIL COMMENTS:

Council Member Swanson reported on the success of the City's Egg Hunt and she thanked Paula Willette for a great job.

Council Member Cashman noted he attended a Regional Conservation Agency meeting where a presentation was given on the number of species they were monitoring, 260 different species. He said they were in year four of a five year study where they were trying to study how many were in each area in the County. When he asked how many were in the City of Wildomar, their staff said they would get back to him.

Council Member Ade said she attended the Southern California Association of Governments meeting last week and they had a compass program which if the City wanted to apply for a grant for funds to work on the City's general plan, the City could do so. With a deadline at the end of May, she said she had asked staff to look at it. SCAG can offer programs and services at no charge and she felt it was worth pursuing. She clarified that they would not tell the City what to do, they would help pay for consultants.

Mayor Farnam noted he attended a WRCOG meeting on Monday and received the annual TUMF report, which featured a picture of Wildomar on the cover. He informed that he would be throwing out the first pitch at the Storm's opening game on Thursday.

FUTURE AGENDA ITEMS:

Mayor Farnam announced that when the City incorporated, they hired interim staff and consultants, two positions to migrate to full time staff was the City Manager and City Clerk. He requested to place on the next agenda, direction for the Interim Assistant City Manager to prepare job descriptions and salary ranges so advertising could proceed to replace the two positions.

Assistant City Manager Fitzwater requested, with Council approval, to begin advertising for the City Manager and City Clerk positions, adding he would say within the body of the advertising "pending Council approval".

Council Member Cashman explained the City wanted a permanent person, but was it three days a week, five days a week. He asked what was appropriate right now.

Council Member Swanson said it often took a long time to recruit and she would support starting the advertising with the suggested language.

City Attorney Biggs interjected that if Council was going to discuss this, it needed to be added to the agenda as an item that occurred after the posting of the agenda. She added that it would take a unanimous vote.

Council Member Swanson moved to place the item on the agenda as an urgency item, seconded by Council Ade. Roll Call vote: - Ayes: 4. Nays: 0. Absent: Mayor Pro Tem Moore. Motion carried.

Council Member Cashman said since the City did not have the budget, did not have the salary requirements, would could the ad say.

Mr. Fitzwater explained that the ad would say pending Council approval and salary depending on qualifications and the plan was to agendize both positions on the April 22, 2009 agenda, with recommended salary ranges.

Council Member Ade said it was a long process and this would help get the process started.

Council Member Cashman wondered if the ad would draw the selected group and Mr. Fitzwater explained that the City Manger ad would run in Western Cities, places where

people looking for that type of position would look. City Clerk ad would run in City Clerk's Association of California, he informed.

Mayor Farnam noted that leaving the salary open would give the Council flexibility in negotiations.

Council Member Cashman asked for a consensus to run the ad more than once.

Mr. Fitzwater explained that he had already written the job descriptions and he would take specifics from them to develop the advertisement.

Council Member Cashman asked if the duties of the City Clerk would remain the same or would the Clerk be doing additional things.

Mr. Fitzwater noted that the Clerk would be doing additional things, a special envoy to City Council and special assistant to the City Manager, a multi-purpose job.

It was the consensus of Council to permit the Assistant City Manager to move forward with placing the ads and return to April 22, 2009 meeting with job descriptions and salary rates.

Council Ad requested that the trail presentation be placed on the April 22, 2009 agenda.

ADJOURNMENT:

With no further business to come before the Council, Mayor Farnam adjourned the meeting at 7:55 P.M.

Respectfully submitted:

Sheryll Schroeder, MMC
City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 1 C.
CONSENT CALENDAR ITEM
Meeting Date: April 22, 2009

TO: Mayor and Members of the City Council
FROM: Gary Nordquist, Director of Finance
SUBJECT: Warrant Registers dated April 8, 16 and 22, 2009 and Payroll Register dated April 22, 2009.

STAFF REPORT

RECOMMENDATION:

1. Approve Warrant Register dated April 8, 2009 in the amount of \$253,473.31.
2. Approve Warrant Register dated April 16, 2009 in the amount of \$10,991.24.
3. Approve Warrant Register dated April 22, 2009 in the amount of \$29,109.18.
4. Approve Payroll Warrant Register dated April 22, 2009 in the amount of \$1,280.28.

BACKGROUND:

The City of Wildomar City Code Chapter 3.03 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.

DISCUSSION:

None.

FISCAL IMPACTS:

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 FY08-09 Budget.

ALTERNATIVES:

1. Take no action
2. Provide staff with further direction.

Submitted by:

Approved by:

Gary Nordquist
Director of Finance

John Danielson
City Manager

City of Wildomar
Check Detail
8-Apr-09

Date	Type	Num	Name	Memo/Description	Amount
10 1000 1 Cash - Wells Fargo					
04/08/2009	Bill Payment (Check)	1626	Interwest Consulting Group	Monthly Engineering Services	\$ (221,727.64)
04/08/2009	Bill Payment (Check)	1627	Wells Fargo Business Card	Credit Card Payment for March 2009 - Supplies & Travel	(4,309.07)
04/08/2009	Bill Payment (Check)	1628	Gary Andre	Planning Committee Meeting - 3/4/2009	(75.00)
04/08/2009	Bill Payment (Check)	1629	Harv Dykstra	Planning Committee Meeting - 3/4/2009	(75.00)
04/08/2009	Bill Payment (Check)	1630	Mguel Casillas	Planning Committee Meeting - 3/4/2009	(75.00)
04/08/2009	Bill Payment (Check)	1631	Naples Plaza Ltd.-Oak Creek II	Building, CAM, Insurance & Tax prorates, Mgmt Fee, Rent	(9,457.40)
04/08/2009	Bill Payment (Check)	1632	Robert Devine	Planning Committee Meeting - 3/4/2009	(75.00)
04/08/2009	Bill Payment (Check)	1633	Scott Farnam	Voided, Check Name error.	-
04/08/2009	Bill Payment (Check)	1634	The Press-Enterprise	Voided, Check Numbering error.	-
04/08/2009	Bill Payment (Check)	1635	Danielson Associates, Inc.	City Manager Services - March 2009	(17,679.20)
Total \$					(253,473.31)

Wednesday, Apr 15, 2009 01:41:56 PM GMT-7

City of Wildomar
Warrant Register
April 16, 2009

Date	Type	Num	Name	Memo/Description	Amount
10 1000 1 Cash - Wells Fargo					
04/16/2009	Bill Payment (Check)	1636	Scott Nowak	Planning Commission Meeting 3/4/09	75.00
04/16/2009	Bill Payment (Check)	1637	The Press-Enterprise	Notice of Public hearing 4/8/09, 4/15/09	302.40
04/16/2009	Bill Payment (Check)	1638	Innovative Document Solutions	Contract	254.24
04/16/2009	Bill Payment (Check)	1639	Gary Nordquist	Finance Director Services	8,775.00
04/16/2009	Bill Payment (Check)	1640	League of CA Cities	Employment ad for recruitment ad/City Clerk	200.00
04/16/2009	Bill Payment (Check)	1641	Unum	May 2009 Premium	624.00
04/16/2009	Bill Payment (Check)	1642	California Public Employee Retirement Sys	Member and Employer Contributions for 3/09	305.41
04/16/2009	Bill Payment (Check)	1643	Verizon	Telephone Charges - March 2009	455.19
Sub-total:					10,991.24

Warrant Register
April 22, 2009

Date	Type	Num	Name	Memo/Description	Amount
04/22/2009	Bill Payment (Check)	1644	Animal Legal & Veterinary Medical Consulting Serv.	Consulting Services Dec '08-April 6,2009	2,450.00
04/22/2009	Bill Payment (Check)	1645	Burke, Williams & Sorensen, LLP	Legal Services	26,118.17
04/22/2009	Bill Payment (Check)	1646	FedEx	FedEX Services for Planning Dept and Admin	36.45
04/22/2009	Bill Payment (Check)	1647	Murrieta Lock & Safe Inc.	Re-key & Master Key for City Hall	292.03
04/22/2009	Bill Payment (Check)	1648	Office Depot	Special Order Stamps x 3	178.55
04/22/2009	Bill Payment (Check)	1649	OnTrac	Overnight Delivery Services	33.98
Sub-total:					29,109.18
Grand Total:					40,100.42

City of Wildomar
 Payroll Warrant Register
 April 22, 2009

Check Date	Check No.	Payee	Description	Amount
4/8/2009	5036	Sheryl Ade	March 2009 Stipend	\$ 271.75
4/8/2009	5037	Robert Cashman	March 2009 Stipend	271.75
4/8/2009	5038	Scott Farnam	March 2009 Stipend	209.23
4/8/2009	5039	Bridgette Moore	March 2009 Stipend	255.80
4/8/2009	5040	Marsha Swanson	March 2009 Stipend	<u>271.75</u>
TOTAL				<u>\$ 1,280.28</u>

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 1 D.
CONSENT CALENDAR ITEM
Meeting Date: April 22, 2009

TO: Mayor and Members of the City Council
FROM: Gary Nordquist, Director of Finance
SUBJECT: Treasurer's Report, March 2009

STAFF REPORT

RECOMMENDATION:

Staff recommends City Council to approve the Treasurer's Report.

BACKGROUND/DISCUSSION:

Attached is the Treasurer's Report for Cash and Investments for the month of March 2009.

FISCAL IMPACTS:

None at this time, however due to the State of California withholding monthly Gas Tax revenue allocations to all cities until June 2009, a decrease in interest income as compared to budget is anticipated.

ALTERNATIVES:

1. Take no action
2. Provide staff with further direction.

Submitted by:

Gary Nordquist
Finance Director

Approved by:

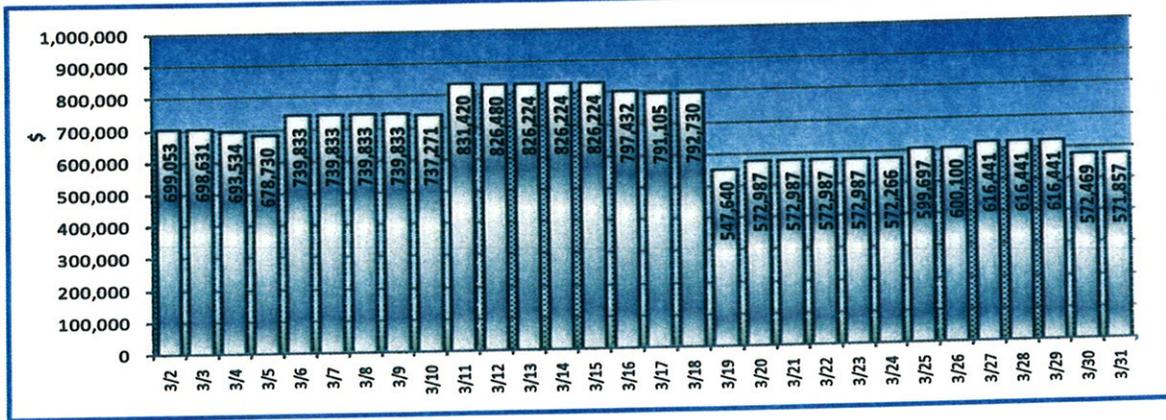
John Danielson
City Manager

Attachments: Treasurer's Report, March 2009



March 2009

Daily Cash Balance
All Funds Checking Only
Pool Report Balance



	<i>Ending Balance</i>	<i>Monthly Net Activity</i>
July	\$ 20,855	\$ 20,855
August	2,297,920	2,277,065
September	2,402,083	104,163
October	2,340,436	(61,647)
November	2,203,169	(137,267)
December	747,664	(1,455,505)
January	826,502	78,838
February	733,251	(93,251)
March	571,857	(161,394)
April		
May		
June		

March 2009		
<i>Date</i>	<i>Ending Balance in Whole \$</i>	<i>Net Change from Prior Day</i>
3/2	699,053	-
3/3	698,631	(422)
3/4	693,534	(5,097)
3/5	678,730	(14,804)
3/6	739,833	61,103
3/7	739,833	-
3/8	739,833	-
3/9	739,833	-
3/10	737,271	(2,562)
3/11	831,420	94,149
3/12	826,480	(4,940)
3/13	826,224	(256)
3/14	826,224	-
3/15	826,224	-
3/16	797,432	(28,792)
3/17	791,105	(6,327)
3/18	792,730	1,625
3/19	547,640	(245,090)
3/20	572,987	25,347
3/21	572,987	-
3/22	572,987	-
3/23	572,987	-
3/24	572,266	(721)
3/25	599,697	27,431
3/26	600,100	403
3/27	616,441	16,341
3/28	616,441	-
3/29	616,441	-
3/30	572,469	(43,972)
3/31	571,857	(612)

CITY OF WILDOMAR – COUNCIL
Agenda Item 1 E.
CONSENT CALENDAR ITEM
Meeting Date: April 22, 2009

TO: Honorable Mayor Farnam, Members of the City Council

FROM: Sheryll Schroeder, City Clerk and Julie Hayward Biggs, City Attorney

SUBJECT: Award of contract for codification of City of Wildomar Ordinances

STAFF REPORT

RECOMMENDATION:

Authorize the City Manager to enter into a contract with Quality Code Publishing for publication of the City of Wildomar Municipal Code in a not to exceed amount of \$20,000.

BACKGROUND:

On July 1, 2008, the Wildomar City Council adopted the Riverside County Code, as it was in effect on that date, as the City's municipal code for a period of 120 days. August 27, 2008, the Wildomar City Council adopted the Riverside County Code as its permanent municipal code.

The City has been operating under a combination of the County Code provisions adopted upon incorporation and subsequent ordinances adopted by the City Council. The goal is to merge these documents into one, comprehensive, City of Wildomar code, removing as necessary references to County laws that do not apply to the City and adding City adopted ordinances in a coherent and appropriate manner.

The City sent an RFP (Request for Proposals) to six interested companies that specialize in codification services. The RFP was advertised in the Press Enterprise and posted on the City's website. The due date was March 5, 2009 and the City received five proposals. The City Attorney and City Clerk evaluated the submitted proposals and determined that Quality Code ranked highest among the submittals to publish the City's first municipal code. Reference checks were made by the City Clerk and no negative references were given by current clients. Quality Code will also be contracted to provide ongoing updates to the Municipal Code on a regular schedule.

Wildomar Municipal Code will be accessible via the internet and Quality Code has an update feature, Code Alert ,that notifies the code user that a code section has been amended and provides a list of ordinances that have been adopted but not yet incorporated into the Code.

FISCAL IMPACT:

The contract contains a not to exceed amount of \$20,000, which will provide the City with 10 copies of the new Municipal Code and the monthly Code Alert service. The source of the funding for this service will come from General Fund Account 10-413-21. The expenditure for this codification service was included as part of the FY 2008-2009 budget.

ALTERNATIVES:

1. Take no action.
2. Provide staff with further direction.

ATTACHMENTS:

Submitted by:

Approved by:

Sheryll Schroeder, City Clerk

John Danielson, City Manager

Julie Hayward Biggs, City Attorney

CITY OF WILDOMAR – COUNCIL
Agenda Item 1 F.
CONSENT CALENDAR ITEM
Meeting Date: April 22, 2009

TO: Honorable Mayor Farnam, Members of the City Council
FROM: Michael Kashiwagi, PE, City Engineer
SUBJECT: Detachment of a portion of County Service Area (CSA) 103 (LAFCO 2007-39-1 Annexation 111)

STAFF REPORT

RECOMMENDATION:

Staff recommends City Council detach County Service Area 103 (LAFCO 2007-39-1).

BACKGROUND:

County Service Area (CSA) 103 provides for street lighting services within the unincorporated areas of Riverside County. As part of the incorporation process, the portion of CSA 103 within the City of Wildomar was detached from the County Service Area. Although detached, the City of Wildomar retained the ability to continue assessing fees and is now responsible for providing street lighting services to those areas. At the time of incorporation, a new area within the City of Wildomar was in the process of being annexed into CSA 103.

The new area consists of approximately 20 acres and is associated with Tentative Tract Map (TTM) 29476. The annexation process was completed and became effective on December 5, 2008. On December 30, 2008, the City of Wildomar received a letter from Riverside LAFCO recommending that this new area be detached from CSA 103 since it resides completely within the City of Wildomar and creates awkward service boundaries for the County of Riverside. City of Wildomar staff has reviewed this request and concurs with this recommendation. By directing staff to begin the detachment process, it is anticipated that the detachment process can be complete prior to July 1, 2009.

FISCAL IMPACT:

As stated in the previous staff report requesting staff direction, Riverside LAFFCO staff has indicated they would support an application fee waiver; therefore there is no cost to the City for the detachment. However, there will be a fee of \$800.00 that must be paid to the State Board of Equalization for filing fee. This fee will come from account # 10480 29, of the General Fund, Non-Departmental, Miscellaneous Services

ALTERNATIVES:

1. Provide staff with further direction.
2. Take No Action

ATTACHMENTS:

Riverside LAFCO letter dated December 30, 2008

Submitted by:

Approved by:

Michael Kashiwagi, PE
City Engineer

John Danielson, City Manager

RESOLUTION NO. 09-18

RESOLUTION OF APPLICATION BY THE CITY COUNCIL FOR THE CITY OF WILDOMAR REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE DETACHMENT OF LAFCO 2007-39-1 ANNEXATION 111 FROM COUNTY SERVICE AREA 103

WHEREAS, the City of Wildomar was incorporated effective July 1, 2008; and

WHEREAS, prior to the incorporation of the City of Wildomar on July 1, 2008, the County of Riverside began processing LAFCO 2007-39-1-Annexation 111 (Annexation 111) through the Riverside County Local Agency Formation Commission (LAFCO); and

WHEREAS, Annexation 111 became effective December 5, 2008, annexing a small portion of land now located in the City of Wildomar to County Service Area (CSA) 103; and

WHEREAS, LAFCO has recommended detachment of Annexation 111 from CSA 103 in order to create more efficient service areas and the County of Riverside has not objected to such detachment; and

WHEREAS, the City of Wildomar desires to initiate a proposal for detachment of Annexation 11 from the County pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act 2000, commencing with Section 56000 of the California Government Code; and

WHEREAS, the territory proposed to be detached is uninhabited, 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 City of Wildomar; and

WHEREAS, in accordance with Government Code Section 56886(t) and 57330, the subject territory shall continue to be subject to the levying and collection of any previously authorized charge, fee, assessment or tax of CSA 103 and such charges, fees, assessments or taxes shall be payable to the City of Wildomar; and

WHEREAS detachment serves the goal of better and more efficient provision of services by transferring jurisdiction and control over the Annexation 111 area, which is wholly within the jurisdictional boundaries of the City of Wildomar, to the City of Wildomar.

NOW, THEREFORE, this Resolution of Application is hereby adopted and approved by the City Council of the City of Wildomar, and the Local Agency Formation Commission of Riverside County is hereby requested to take proceedings for the detachment of territory as described in Exhibit A, 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 and adopted by the City Council of the City of Wildomar at a regular meeting thereof held on the _____ day of _____, 2009, by the following Vote:

EXHIBIT "A"

Annexation 111 to CSA 103
LAFCO 2007-39-3

That portion of the east half of the northwest quarter of the southeast quarter of Section 32, Township 6 South, Range 3 West, and S.B.M as shown by United States Government Survey, Records of Riverside County; more particularly described as follows:

BEGINNING at the northeast corner of the northwest quarter of the southeast quarter of said section 32:

1) Thence South $00^{\circ}42'34''$ East, along the centerline of David Lane (30.00 feet in half width) as shown on Tract 22948 on file in Book 382 of Maps at pages 10 through 22 inclusive, records of Riverside County, California, said point also being on the easterly line of the east half of the north west quarter of the south east quarter a distance of 1315.00 feet to the southerly line of the east half of the northwest quarter of the south east quarter to the southerly line of said section.

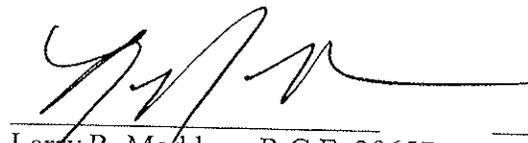
2) Thence South $88^{\circ}30'33''$ West along said southerly line, a distance of 657.90 feet to the westerly line of the easterly half to the north west quarter of the south east quarter of said section;

3) Thence North $00^{\circ}34'36''$ West along said westerly line, a distance of 1317.59 feet to a point on the northerly line of the easterly half of the north west quarter of the south east quarter of said section;

4) Thence South $88^{\circ}43'53''$ West along said northerly line, said point as being on the center section line of said section 32, a distance of 654.82 feet to the **POINT OF BEGINNING**.

The above-described parcel of land contains 19.83 acres, more or less

See plat attached hereto as Exhibit "A" made a part hereof.


Larry R. Markham R.C.E. 30657
Reg. exp. 3-31-10

3.4.09
Date



EXHIBIT A

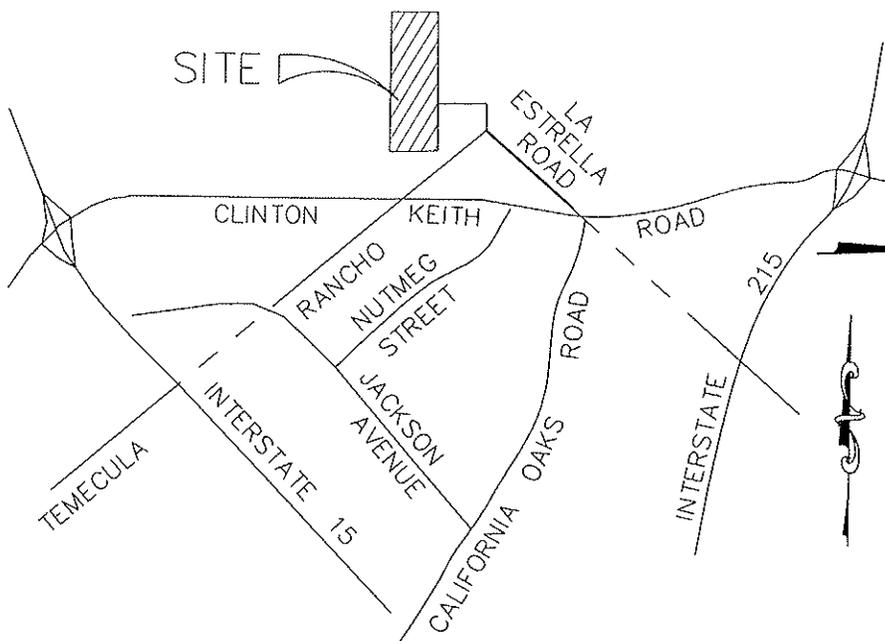
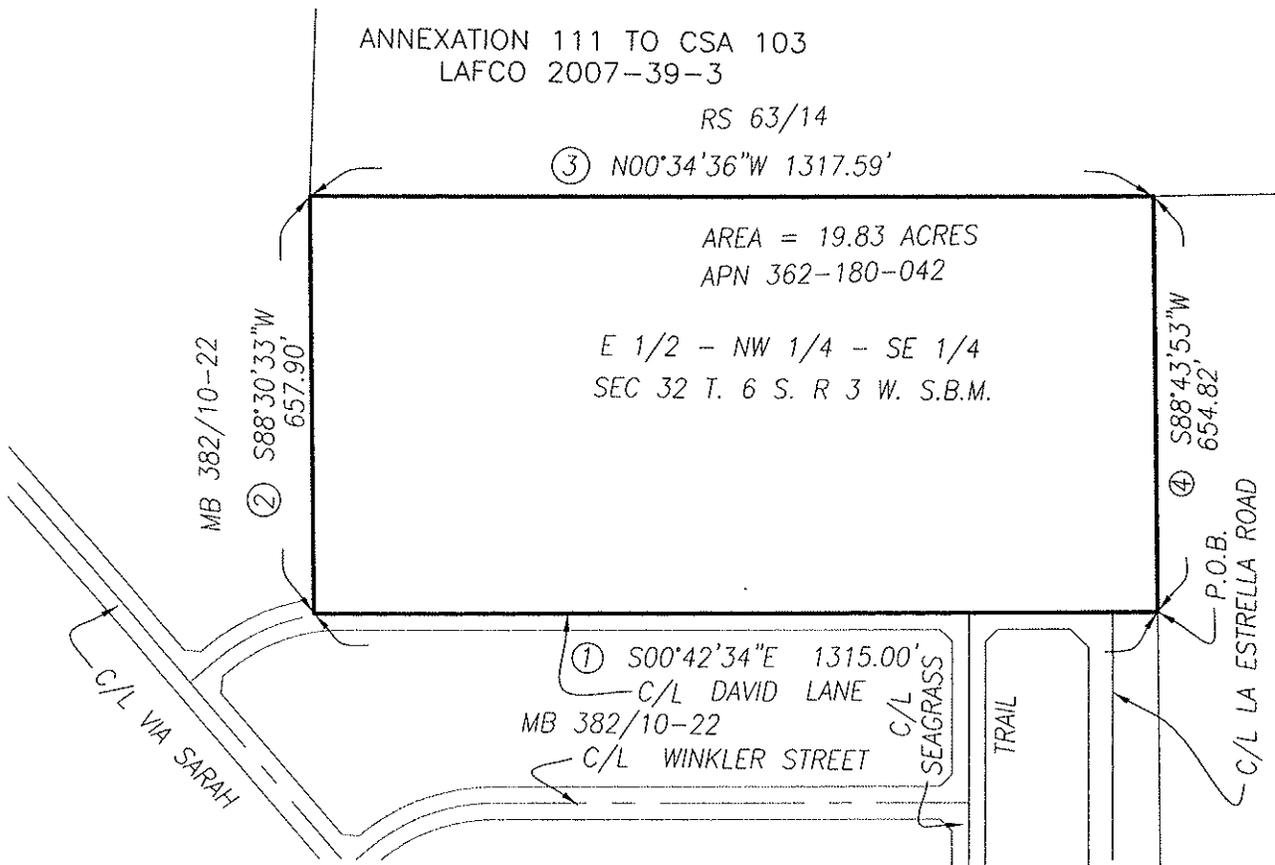
ANNEXATION 111 TO CSA 103
LAFCO 2007-39-3

RS 63/14

③ N00°34'36"W 1317.59'

AREA = 19.83 ACRES
APN 362-180-042

E 1/2 - NW 1/4 - SE 1/4
SEC 32 T. 6 S. R 3 W. S.B.M.



LEGEND

LAFCO BOUNDARY ———



2.4.09

M·MG

MARKHAM DEVELOPMENT MANAGEMENT GROUP, INC.

41635 Enterprise Circle N. - Suite B
Temecula, California 92590
(951)296-3466 TEL (951)296-3476 FAX

COUNTY OF RIVERSIDE

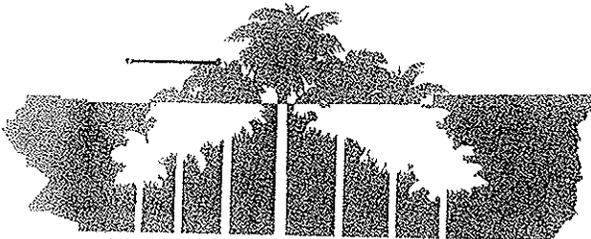
THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT.

SHEET 1 OF 1

SCALE 1" = 300' SEC. 32, T.6S., R.3W S.B.M. DATE 2/26/07

DRWN BY _____ DATE _____
CHKD BY _____ DATE _____

LAFCO ANNEXATION



RIVERSIDE LAFCO

RECEIVED

JAN 05 2009

CITY OF WILDOMAR

December 30, 2008

Attn: Mayor and City Council
C/O City Clerk
City of Wildomar
23873 Clinton Keith Rd., Ste. 111
Wildomar, CA 92595

RE: LAFCO 2007-39-1-Annexation 111 to County Service Area 103

To Whom It May Concern:

This is to inform you that the above mentioned annexation (LAFCO 2007-39-1) was approved by our Commission prior to the Incorporation of the City of Wildomar and was completed effective December 5, 2008. As a result, a small portion of County Service Area (CSA) 103 consisting solely of this annexation area, now exists within the City of Wildomar. Although the annexation has the benefit of establishing a financial mechanism for street lighting services it creates awkward service boundaries. After the incorporation's one year transition period this will be the only remaining area served by the County of Riverside within the city limits. Therefore, we would recommend a detachment of this area to coincide with the end of the transition period. At that time staff would support an application fee waiver for the detachment to our Commission.

Thank you for your cooperation. If you have any questions please contact me at 951-369-0631.

Sincerely,

Adriana Romo
Local Government Analyst II

CC: Amber Jacobson, EDA

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 1 G.
CONSENT CALENDAR ITEM
Meeting Date: April 22, 2009

TO: Council Members

FROM: Michael Kashiwagi, Development Services

SUBJECT: Adopt Resolution Supporting the Reauthorization of the Federal Safe Routes to School (SRTS) Legislation

STAFF REPORT

RECOMMENDATION:

Adopt Resolution supporting the reauthorization of the Federal Safe Routes to School (SRTS) Legislation.

BACKGROUND:

SAFETEA-LU

In 2005, President Bush signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA-LU authorized the Federal surface transportation programs and provided \$286.5 billion in Federal investment for highway, public transportation, and highway safety programs for the 5-year period of 2005-2009. SAFETEA-LU expires on September 30, 2009.

A new multi-year reauthorization is anticipated to be rolled out by Congress in the summer of 2009, and preliminary work is underway.

As non-highway construction spending has grown in recent reauthorization cycles, federal transportation funding has become increasingly important to cities, counties, states and regions in creating alternative transportation networks, bike and pedestrian trails, and other transportation-related components that provide livable communities. The upcoming reauthorization of the Transportation Act will allow more people access to public lands and continued funding for an array of transportation improvements that work toward transportation mobility, congestion relief, and environmental and energy conservation or preservation.

The reauthorization will potentially re-enact several transportation funding programs including the Federal Safe Routes to School Program (SRTS), which will expire as SAFETEA-LU becomes inactive in 2009 (unless the law is extended). The continuation of the Safe Routes to School Program has direct benefits in providing a funding source

for improvements that provide access and increase safety for school children to and from school.

Federal Safe Routes to School (SRTS) Funding Program

The Federal Safe Routes to school program began in 2005 under the Federal transportation act, SAFETEA-LU. Congress authorized a total of \$612 million in funding to states over five years, beginning with \$54 million for fiscal year 2005 and concluding with \$183 million for fiscal year 2009.

The SRTS funding program is designed to allocate funding for engineering improvements around schools, such as traffic calming measures, new and/or improved street crossings, sidewalks, bike lanes and walkways to create communities that are conducive to walking and biking safely to school. The SRTS Program provides important benefits to kids and their communities, such as improved health, reduced traffic congestion, better air quality, and enhanced neighborhood safety.

Across all states, as of December 2008, approximately 90 percent of federal funds from fiscal years 2005 through 2008 have been awarded and more than 4,400 local schools are benefiting from the federal program and are implementing their SRTS programs and initiatives.

Supporting Reauthorizing SAFETEA-LU and SRTS program

In March 2009, as part of the pending reauthorization of the federal transportation law, Western Riverside Council of Governments (WRCOG) endorsed a resolution to support the "Safe Routes To School Program". In passing the resolution, the WRCOG Executive Committee also requested that its member jurisdictions and agencies adopt a similar resolution supporting the Safe Routes to School Program and continued funding for its implementation.

The City of Wildomar staff has submitted an application (to Caltrans) for Safe Routes To School Funding for sidewalk improvements. The proposed project will construct new curb, gutter, and sidewalks on Central Street, Palomar Street, Illinois Street, and George Avenue. This will improve the pedestrian environment for parents and children walking to Wildomar Elementary School and Ronald Reagan Elementary School, and if funded, would provide approximately \$400,000 toward the project. Continuation of the program in the transportation law reauthorization will be advantageous for the City. Staff therefore recommends the Council approve the resolution supporting reauthorization of the Federal Safe Routes To School Legislation.

FISCAL IMPACTS:

There are no direct impacts at this time. As stated earlier, the reauthorization of SAFETEA-LU and the reinstatement of the Safe Routes to School Program will allow the City of Wildomar to seek future funding for transportation projects within the vicinity of schools.

Submitted by:

Approved by:

Michael Kashiwagi
Development Services

John Danielson
Interim City Manager

ATTACHMENTS:

Resolution

RESOLUTION NO. 09-19

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR
SUPPORTING THE REAUTHORIZATION OF THE FEDERAL SAFE
ROUTES TO SCHOOL (SRTS) LEGISLATION**

WHEREAS, City Council of the City of Wildomar supports improving pedestrian safety through safety programs and infrastructure improvements; and

WHEREAS, the "Safe, Accountable, Flexible, Efficient, Transportation Equity Act – A Legacy for Users" (SAFETEA-LU) provided for funding to the states for the funding of infrastructure projects on public roads, pedestrian pathways and bike lanes that would improve the ability of students to walk and bicycle to school; and

WHEREAS, the City Council of the City of Wildomar urges legislators and local government agencies to allocate funding for more adult crossing guards, implementation of engineering improvements around schools, such as traffic calming measures, new and/or improved street crossings, sidewalks, bike lanes, and walkways to create safer routes to school; and

WHEREAS, the SAFETEA-LU will expire on September 30, 2009, unless reauthorized;

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

The City Council of the City of Wildomar supports reauthorization of the SAFETEA-LU.

PASSED AND ADOPTED by the City Council of the City of Wildomar this 25th day of April, 2009 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Scott Farnam, Mayor

PASSED AND ADOPTED at a regular meeting of the Wildomar City Council held this 25th day of April, 2009.

CITY OF WILDOMAR – COUNCIL
Agenda Item 1 H.
CONSENT CALENDAR ITEM
Meeting Date: April 22, 2009

TO: Honorable Mayor Farnam, Members of the City Council
FROM: Michael Kashiwagi, Development Services
SUBJECT: Resolution of Support for *One Water One Watershed*: Santa Ana River Watershed Integrated Regional Water Management Plan

STAFF REPORT

RECOMMENDATION:

Staff requests the City Council adopt the attached Resolution Supporting the for *One Water One Watershed*: Santa Ana River Watershed Integrated Regional Water Management Plan and its submittal to the Department of Water Resources for future funding under Proposition 84, Chapter 2.

BACKGROUND:

"One Water One Watershed" (OWOW) is a new and innovative planning process being developed within the Santa Ana Watershed by the Santa Ana Watershed Project Authority. Through collaborative strategic partnerships and building upon the successful watershed planning in the past, the next generation of integrated regional watershed planning has been developed to solve problems on a regional scale and give all water interests a voice in the planning process. The resulting Plan is now ready to be submitted to the California Department of Water Resources in search of additional funding as a means of implementing some of the ideas and programs raised in the OWOW.

The City Council is being requested to provide a Resolution supporting the Plan and supporting the Authority's submittal of the plan to DWR. As a portion of the City is within the Santa Ana Watershed, this Plan provides a beneficial planning tool to the community and staff would recommend the City Council support the request.

FISCAL IMPACT:

There is no fiscal impact with the adoption of the proposed resolution.

ATTACHMENTS:

OneWaterOneWatershed Executive Summary

Submitted by:

Approved by:

Michael Kashiwagi,
Development Services

John Danielson,
City Manager

RESOLUTION NO. 09-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA SUPPORTING THE “ONE WATER ONE WATERSHED” SANTA ANA RIVER WATERSHED INTEGRATED REGIONAL WATER MANAGEMENT PLAN AND ITS SUBMITTAL TO THE DEPARTMENT OF WATER RESOURCES FOR PROPOSITION 84, CHAPTER 2 PROGRAM FUNDING

THE CITY COUNCIL OF THE CITY OF WILDOMAR DOES RESOLVE AS FOLLOWS:

SECTION 1. Recitals.

- (a) The “One Water One Watershed” (OWOW) Santa Ana River Watershed Integrated Regional Water Management Plan (IRWMP) as presented by the Santa Ana Watershed Project Authority represents one of the most significant and innovative collaborative planning efforts to date in addressing water resources in the Santa Ana River Watershed.
- (b) The OWOW planning process was conducted in a fair and transparent process working closely with stakeholders in the watershed in a bottom-up approach in preparing the Santa Ana River Watershed OWOW IRWMP.
- (c) The OWOW IRWMP will also help secure significant funding for resources in the Santa Ana River Watershed through the California Department of Water Resources, Proposition 84, Chapter 2 Integrated Regional Water Management Program.
- (d) Portions of the northern part of the City of Wildomar are within the Santa Ana River Watershed and the OWOW IRWMP provides a beneficial planning tool for the City.

SECTION 2. Resolve.

The City Council of the City of Wildomar supports the Santa Ana Watershed Project Authority’s “One Water One Watershed” Santa Ana River Watershed Integrated Regional Water Management Plan and furthermore supports their submittal of the OWOW IRWMP for DWR Proposition 84 Chapter 2 Integrated Regional Water Management Program funding to provide benefit to the residents of the entire Santa Ana River Watershed.

SECTION 3. Effective Date. This Resolution shall take effect on April 23rd, 2009.

The foregoing Resolution is approved and adopted by the City Council of the City of Wildomar this 22nd day of April, 2009 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott Farnum
MAYOR

ATTEST:

APPROVED AS TO FORM:

Sheryll Schroeder
INTERIM CITY CLERK

JULIE HAYWARD BIGGS
CITY ATTORNEY

Executive Summary

Planning Concept

SAWPA officially launched this Integrated Regional Water Management (IRWM) planning effort during a meeting in which 178 officials representing more than 100 agencies in Riverside, San Bernardino and Orange counties met to discuss the framework for the One Water, One Watershed Plan (OWOW), a shared vision of the Watershed – a 2,650-square mile area from the San Bernardino Mountains westward to the Pacific Ocean. The goal and expectation was that this Integrated Regional Water Management Plan would be far more comprehensive than any plan that could be developed by a single agency.

Participants from numerous agencies and organizations have volunteered to serve on committees and have addressed every aspect of water management planning, including water supply reliability, water quality improvement, water use efficiency, climate change, water and land use, flood risk management, environment and habitat enhancement, water recycling, as well as water use in parks, recreation and open space areas. Participants also integrated water supply with environmental needs, and included the environmental justice and disadvantaged communities in integrated water solutions.

The fundamental concept for this planning process was to pull parties together in every aspect of the water arena – those who provide water, those who use it, and those who manage it – in a way that's never been done before and in a way that goes beyond the interests of any one agency. This approach marked a major shift from previous IRWM planning efforts by greatly expanding the number and type of agencies and organizations involved in the process. It is noted that some agencies' missions were so narrowly defined that they cannot easily plan for improvements that also would benefit surrounding constituencies.



The vision of the OWOW Plan is a sustainable Watershed that is drought proofed, salt-balanced, and supports economic and environmental viability. To achieve this vision, stakeholders must address four major crises or threats which

we have labeled the Four Horsemen of the Apocalypse. They are as follows: 1) Climate Change resulting in reduced water supplies combined with increased water needs in the region; 2) Colorado River Drought Conditions resulting in reductions of imported supply due to upper basin entitlements and continued long-term drought; 3) San Joaquin Delta Vulnerability resulting in reductions or loss of supply due to catastrophic levee failure or changing management practices of the Delta; and 4) Population Growth and Development resulting in interruptions in hydrology and groundwater recharge while increasing water needs.



In developing the OWOW Plan for the Santa Ana River Watershed, a decided “bottom up” approach as opposed to a “top down” approach for governance was envisioned. By this we mean that unlike previous SAWPA plans or other planning approaches across the State, every effort has been made

to allow the key discussions of major water resource issues, concerns, problems, goals and objectives and potential solutions to originate and be first fully vetted at the stakeholder level – the stakeholders being the local agencies, organizations and other interested parties within the Watershed. By expanding the involvement and collaboration to the on-the-ground level, greater buy-in and support were expected and realized for this planning development process. Consequently, if one were to ask where the governance originates for the Santa Ana River Watershed OWOW process, we believe the identification of issues starts from the grass-roots level, the foundation of a decentralized and collaborative “big tent” approach.

Pillar Groups

In order to manage the initial planning work, the stakeholders were organized into ten separate workgroups or pillars centered around specific water resource management areas. These pillars consisted of approximately ten to 60 volunteers depending on the topic and interest level. The volunteers included participants from local agencies, special districts, non-profit organizations, university officials, Native American tribes, and private citizens. The pillars were led by a volunteer chair having expertise in that specific water resource strategy. A list of pillar leaders can be [found here](#).

Thereafter, work was and will continue to be conducted among the pillar groups to

explore new opportunities for collaboration. Under this current phase of the work, each of the pillars was asked to step out of their role as lead of a specific water resource management strategy and view problems from the other pillars' perspectives. It was through this process that new synergies were developed and multi-benefit programs were formed. An example of this approach was the understanding that many downstream water resource and water quality problems could more effectively and efficiently be addressed upstream at the source. Over time, this process of collaboration among the pillar groups provided a more unified vision with new integrated and multi-beneficial solutions to water resource challenges.

The planning approach taken transcends previous integrated regional water resource planning efforts by deemphasizing planning based solely on preparing for an impending grant funding opportunity or planning based on a list of resource projects. Rather, the emphasis was placed on building a collaborative approach amongst stakeholders to help meet long-term (2025 year time horizon) goals and objectives in an integrated and multi-beneficial manner.

The pillar groups met regularly for over a year and a half prior to completing the plan in January 2009. The pillars cover the following areas:

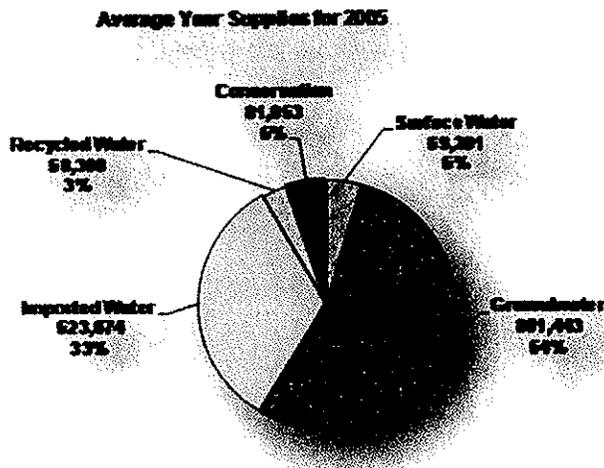
1. Water Supply Reliability
2. Water Quality Improvement
3. Water Recycling
4. Water Use Efficiency
5. Water and Land Use

6. Flood Risk Management
7. Environment and Habitat Enhancement
8. Parks, Recreation and Open Space
9. Climate Change
10. Environmental Justice

A short description of the efforts of each group follows.

Water Supply Reliability

The climate and geography of the State of California present a unique challenge to the management and delivery of water. While most of the state's precipitation falls on the northern portion of the state, most of California's population resides in the semi-arid, southern portion of the state. Water is diverted, stored and then transferred from the water-rich north to the more arid central and southern sections of the state through the California State Water Project, the Central Valley Project and the Los Angeles Aqueduct.



This approach of providing regional water supplies through the construction of giant water conveyance systems has gradually changed over the last several decades to more of an approach that involves restoring and minimizing impacts to the environment. This change, combined with corresponding state and federal laws protecting the environment, has impeded the construction of many new water supply projects over the past several decades. As a result of environmental, political and other constraints, these giant water projects are unable to deliver their design capacity or capture all of the water that runs to the ocean in any given year.

In the past, a buffer supply was developed by constructing new facilities such as dams and/or aqueducts to provide supply for future growth. Today, the gap between supply and demand has closed and increasing emphasis is placed on water use efficiency and development of local supplies. This has caused California to seek more creative and sustainable solutions to water resource management.

The Santa Ana River Watershed lies in semi-arid southern California. Like many other areas, the Watershed is carefully evaluating water supplies and demands and seeking creative, cost-effective strategies to provide a reliable water supply into the future. Water supply reliability will be challenged by state droughts, droughts on the Colorado River, the vulnerability of the Sacramento-San Joaquin River Bay-Delta, and the threat of climate change. Designing a diverse and flexible water resource management system that can meet these challenges will help to

ensure water reliability and a sustainable and vibrant economy for the Watershed.

Water Quality Improvement

This chapter describes water quality in the Santa Ana River Watershed and programs to improve water quality. The discussion is organized around three focus areas: surface water, groundwater, and ocean water quality. Ocean water is defined to include the zone from the beach to three miles offshore, and bays and estuaries near the coast. Water quality issues, with respect to imported water supplies, also are discussed because they bear upon groundwater quality and surface water quality. In previous versions of SAWPA's Integrated Plans, ocean water quality was not included as a focus area.

In general, surface water in the upstream portions of the Watershed is of better quality compared to the downstream portions. Agricultural, industrial, commercial, and residential development over the last approximately 150 years has impacted surface water quality. Pollutants that affect surface water in the Watershed include microbial contaminants such as bacteria, nutrients, and pesticides. The amount of salt, commonly called "total dissolved solids" or TDS also can impact surface water quality. Although it is not uniform, in general, surface water flowing down the Watershed picks up greater amounts of pollutants as it flows downstream. In some cases, the pollutants may be removed by natural processes in the river or stream, but the quality of the surface water generally degrades as it flows downstream.



Future water quality issues for surface water in the region are likely to include the following: 1) new pathogen indicators; 2) new residual chlorine standards; 3) potential nutrient standards; 4) emerging contaminants, such as pharmaceuticals; 5) sediment loading; and 6) the effects of water use efficiency on wastewater treatment.

The major goal for water quality improvement of surface water is to achieve water quality standards. These standards include meeting beneficial uses, meeting water quality objectives, implementing the Regional Board's anti-degradation policy, and fulfilling the Implementation Plan in the Regional Board's Basin Plan. The following strategies are employed to achieve these goals: 1) protect good quality surface water; 2) clean up poor quality surface water; and 3) re-evaluate water quality standards where

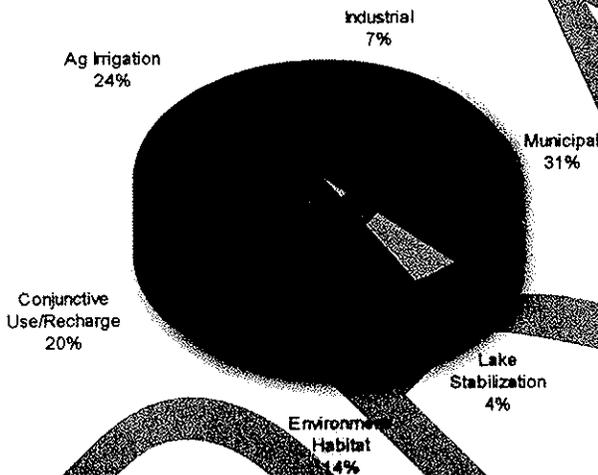
appropriate. If beneficial uses have not been appropriately designated, resources may be allocated to problems inappropriately. This may occur when beneficial uses are present but not identified in the Regional Board's Basin Plan, or the beneficial use designations in the Basin Plan are not appropriate.

Elevated levels of the salt and nitrate in the groundwater are the primary groundwater issues that have been identified. They can be affected by mineral content in the sediments, recharge and drainage patterns, and historic land use. Salt and nitrate are two long-standing water quality issues in groundwater in the Watershed. In the last approximately 25 years, VOCs were discovered in certain areas as groundwater contaminants. In the last approximately eight years, perchlorate also was identified as a groundwater contaminant.

A range of tactics are currently being used to protect groundwater and coastal resources including, source water protection, research, and public outreach.

Water Recycling

The Recycled Water Pillar group reviewed water reuse activities in the Santa Ana River Watershed, including agricultural and landscape irrigation, creating groundwater barriers against seawater intrusion, habitat creation, environmental enhancement, and lake stabilization. In addition, the “greenhouse effect” of recycled water was evaluated.



Fifteen of 18 water reclamation/recycling agencies identified within the Watershed provided detailed information including current and projected treatment plant capacities, plant flows, amounts of water recycled and disposed, how recycled water is used, and recycled water storage facility volumes. The agencies and their facilities are described in the chapter. Projections in the same categories also are provided in five-year increments through 2030.

Currently, agencies within the Watershed have the capacity to treat over 750,000 AFY, and current plant flows total over 539,000 AFY. In 2005, approximately 172,000 AFY of recycled water was used to meet water needs, such as industrial and municipal uses, habitat creation and environmental enhancement, conjunctive use and groundwater recharge, lake stabilization, and landscape and agricultural irrigation within the Watershed.

Specifically:

- Water recycling will be an increasingly important part of California’s sustainable water future. However, challenges related to recycled water projects are varied and range from regulatory issues, ability to handle storage/seasonal variability, water quality impacts, salinity management to public acceptance, perception, and policy issues.
- Strategies to address water quality impacts are being addressed by the Emerging Constituents Workgroup, which is made up of stakeholders and the Regional Board. In some management zones, the maximum benefit process is being used to set maximum benefit objectives.
- Additional storage for recycled water is planned, but a more comprehensive effort needs to be developed.

- Desalination of brackish groundwater addresses salinity management issues. Also, some agencies are conducting investigations relating to zero liquid discharge from desalters to further refine the process.
- Orange County Water District is putting high quality, treated recycled water into the basin thereby improving water quality by lessening overall salinity.
- In addition, some agencies are making recycled water available to individual residences for yard irrigation and toilet flushing; and meeting water quality specifications through specialized treatment improving user confidence and acceptance with specialized user advice and user support groups, promoting public acceptance, improving public perception, and working to develop potentially favorable policies.

develop new water use efficiency efforts, and be a model for others in this arena, a comprehensive long-term water use efficiency plan needs to be envisioned and developed.

Our regions can build upon existing regional support by Metropolitan Water District of Southern California and other regional agencies with an established history in program implementation. These efforts may be hampered by: 1) hydrologic and regulatory droughts; 2) increased need to efficiently manage water supplies while facing lack of grant funding; 3) different cost-effectiveness thresholds across the Santa Ana River Watershed; 4) disadvantaged community issues; and 5) recent legislation requiring Urban Water Management Plan compliance with demand management measures.

With as much as 60% of household water consumption going toward outdoor usage, it is no wonder that there is a growing need to provide effective programs targeting outdoor landscaping. There are various ways to develop outdoor programs that increase water efficiency. Ideas include: 1) changing landscape design elements by increasing pervious hard surfaces, pavers, and bioswales; 2) advancing emerging technologies, such as smart irrigation controllers and new irrigation device technology; 3) positioning water-efficient gardens as in style and “hip”; 4) developing a “one-stop shop” that offers accessible water-efficient landscape planning programs in a comprehensive manner; and 5) creating a comprehensive package for consumers (e.g., rebates, stores, installers, training, and

Water Use Efficiency

The Water Use Efficiency Pillar gathered information and opinions on potential new programs, opportunities, and emerging technologies that could be implemented in the Santa Ana River Watershed. The terminology, “water use efficiency” implies and supports efficient use of all water resources at all times. To begin identifying how to support existing water conservation measures, enhance existing programs,

check-ups that are marketed as a package when promoting the usage of smart irrigation controllers).

Another potentially effective strategy is to develop individualized allocated water budgets for each user and implement associated tiered-rate structures. This provides a structure that would encourage people to stay within their water budget and penalize those who are careless or excessive with their water use. Additionally, the money generated from fines could be a funding source to implement new programs.

The potential for multiple benefits from water use efficiency programs should be considered in each and every strategy, situation or circumstance. For example, efficiency programs that reduce the amount of water applied to landscapes also reduces runoff into storm drains. Therefore, there also is a reduction of pesticides and fertilizers being discharged into waterways.

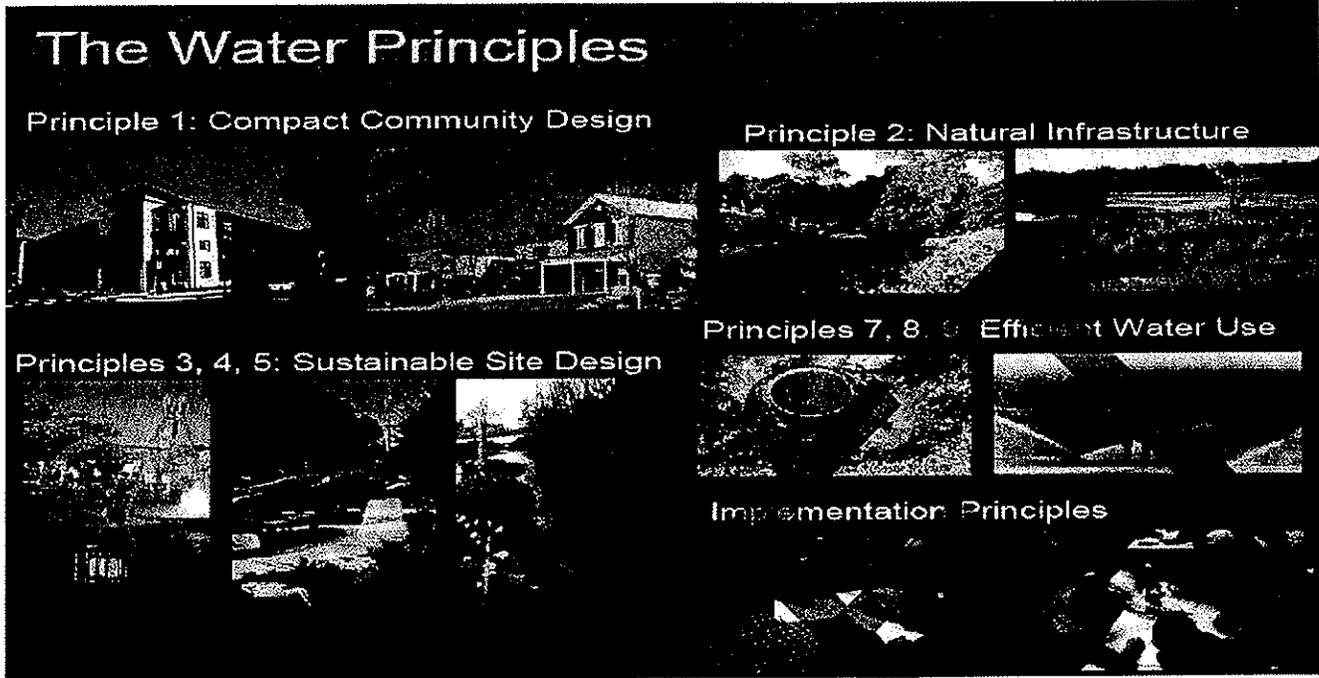
Water and Land Use

The group reviewed: 1) the history and current conditions of land use in the Santa Ana River Watershed; 2) current techniques for managing growth; 3) land use partnerships with key stakeholders, including: (a) local governments, local government agencies (e.g., Councils of Governments, Metropolitan Planning Associations), and local government organizations; (b) related stakeholder groups (e.g., stormwater managers or EJ

communities) and the development community (e.g., developers, Building Industry Associations and sustainable development organizations such as LEED groups or the USGBC); and (c) the environmental community (e.g., conservancies, watershed managers and NGO's); and 4) development of multi-objective strategies that incorporate multiple measures into new developments that sustain watershed function and provide additional benefits (such as substituting a debris basin with a retention area that accommodates peak flows, but simultaneously serves as a groundwater recharge area).

The group has found that the predominant land use pattern has been consumptive in nature; however, some promising higher density residential developments with access to public transportation, shopping and entertainment are emerging in the region. The biggest threat is a NIMBY approach by local governments who believe smarter growth and sustainable development practices don't apply to their community.

The Land Use Pillar group suggests that IRWMPs are an ideal mechanism to provide a modest funding stream to provide an incentive to local governments that "do the right thing" by incorporating multi-objective strategies in new land uses or redevelopment such as: 1) Low Impact Development (LID) that reduces polluted urban runoff and increases groundwater recharge; 2) mandatory dual-plumbing for any development where water reuse may be feasible at some time in the future to reduce potable water supplies for needed



landscapes and industrial processes over time; 3) limiting growth in areas that have an exceptionally high risk of wildfires and post-fire flooding to reduce the impacts of fire and sediment loading from post-fire debris flows; 4) urban greening projects to reduce the impacts of climate change; 5) permeable pavement including the retrofit of large parking lots to prevent the further degradation of streams, creeks, marshes, estuaries and rivers, and 6) LID in-fill projects in older EJ communities to reduce pervious cover in the built environment.

Flood Risk Management

The Flood Risk Management Pillar describes the Watershed physically in a way that a flood manager or flood control engineer would see it. The description is based on catchment area, land uses, runoff volumes, and elevation differences or slopes. The Pillar chapter also describes the types of

storms the region experiences, including the volumes and intensity of runoff these storms can produce. The chapter recounts the flood experience of the region and the strategies that historically have been used to respond to the risk of future flooding, including the ongoing Santa Ana River Project. These strategies mainly have consisted of hardening and straightening the stream channels to maximize drainage efficiency and buffering peak flows by providing large flood storage facilities. In general, communities in the



Santa Ana River Watershed have been effective at reducing flood damage risk, allowing the traditional California urban and suburban development to be maximized. However, some highly populated areas remain vulnerable to flooding even in fairly modest storms. In addition, the current principle strategies are expensive in terms of money, natural resource impacts, and lost water supply. Changing community values are forcing a reevaluation of the traditional approach to managing flood risk, in effect changing the terms in the “cost-benefit” equation used for the past century.

There are two additional key issues that flood management must address in order to succeed. First, the basic goals of flood control efforts throughout the Watershed need to be clarified and reaffirmed. Although there are few formalized rules, the most common planning and design guideline in the region is to design for the 100-year flood. How and why that level of protection became a community standard, and whether or not it is appropriate, is not free from doubt. There have been recent bills in the California legislature proposing different standards, e.g. 200-year protection. This should be a community decision based on a balance of risk, economic, and environmental costs. To facilitate such an agreement, we need a common vocabulary for the risks and costs associated with flooding and other competing issues, such as water supply and water quality. Additionally, the “100-year” standard is elusive because it is a statistical construct based on historical flows, which were a product of past conditions within the Watershed. Over time, both the physical

conditions of the Watershed and the climate itself change, and therefore the flows associated with a 100-year storm change. Thus, the standard that we use for flood risk management is not formally established, not easy to compare to or integrate with other community needs within the Watershed, and of dubious predictive strength in any event. The OWOW process should produce more understandable and more universal metrics for the expression of risk, and use them to facilitate the establishment of a flood protection standard.

Second, the reality has been that land use decisions have preceded flood management strategies and have severely limited the alternatives that flood managers can consider. Once development has been allowed to encroach into a floodplain, regional storage and hardened, straightened, and levied channels may be the only feasible approaches. Ideally, it would be better to devise a flood management strategy during the original planning of the development of a region, so that flood risk management and other land and water needs could be optimized. Since that has never been the practice in the region, and since the region is now highly urbanized, the Flood Risk Management Pillar and the Water and Land Use Pillar will need to collaborate to determine what, if any, new approaches would be productive.

Environment and Habitat Enhancement

This group described the “green” elements of the Watershed. Early in the analysis, the team realized that many water bodies of the mountains and coastal plains connect and wind their way through the alluvial fans and arroyos of the Watershed. This network provides lush habitat in southern California’s



otherwise semi-arid environment, cleans runoff before it reaches downstream shorelines, and provides opportunities for recharging precious groundwater basins along the way. Keeping the network of stream channels healthy as functioning habitat also keeps it functioning optimally in providing other benefits.

The chapter focuses on habitat in and around water bodies throughout the Watershed, including streams, lakes, wetlands, estuaries, and vernal pools. In fact, it is expected to be one of the first documents to list all the significant water bodies within the Watershed that provide habitat opportunities, from the highest peaks to the open ocean. Some of the greatest opportunities to preserve

and/or enhance existing natural riparian corridors and wetlands are in areas that have not yet been urbanized. However, there also are opportunities to revive some of the natural water bodies in areas that have been urbanized or highly manipulated over the last century. Further, while some people have given up on saving water-oriented habitat in the Watershed, there are still many “unknown” jewels hidden away in the folds of the topography. There are others that can be brought back to life to provide neighborhood green spaces to the watershed’s millions of human inhabitants.

Probably the greatest threat to the success of this group is rapid urbanization that occurs before arrangements can be made to incorporate healthy ecosystems into development. Many modern developers understand the value of green space to new communities, but society is still balancing new housing and workplaces with the water-oriented environment that surrounds them. How do landowners get an economic return on their investments while ensuring that water-oriented ecosystems continue to thrive?

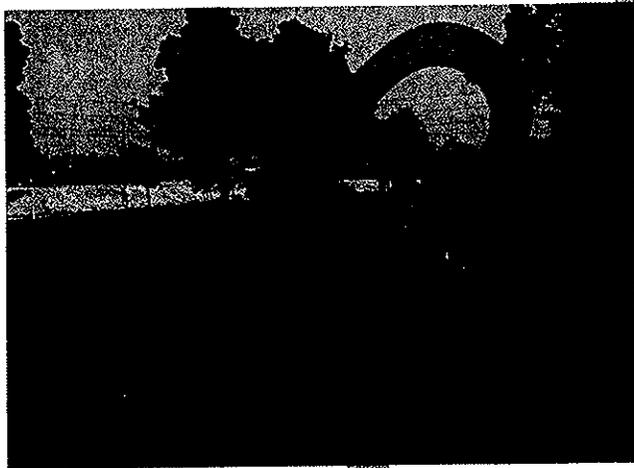
Another threat to healthy habitats in the Watershed is water quality. The team expects to work closely with other groups, especially water supply reliability, flood risk management, and recycled water to identify synergistic projects that benefit the environment.

As is the case for other Pillars, the Environment and Habitat Enhancement Pillar’s success is especially dependent on the

weaving of its objectives with the objectives of the other Pillars. Many times, funding set aside specifically for environmental projects is limited; however, great progress can be made when projects for the other Pillars are planned with habitat preservation/enhancement in mind. Thus, the Pillar team looks forward to working closely with the other Pillar teams in development of preliminary project plans.

Parks, Recreation and Open-Space

The Parks, Recreation and Open Space Pillar brought together park, recreation and open space advocates from the three counties, including cities and other governmental



agencies and citizens who are interested in public access relative to water resources in the Santa Ana River Watershed. This group decided to focus on the larger “picture” of opportunities.

The general findings included a survey of current regional park and open space

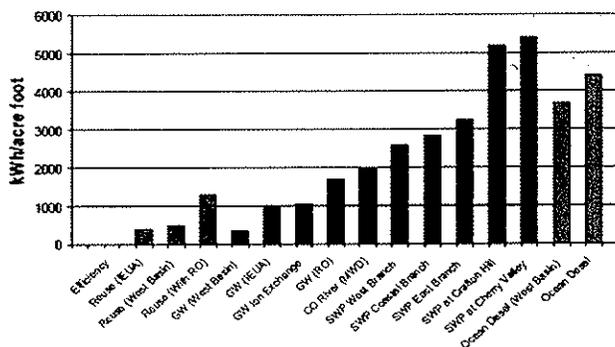
offerings and conditions. While there have been many accomplishments, especially along the river regarding access, more planning, management and coordination needs to occur and be sustained. Urban development patterns, high land prices, and low availability of land for recreation make expansion of opportunities difficult. Also, new parks or trails may impact habitat with limited land left for public access and recreation.

Possible future threats include uneven funding for new trails and parks within the Watershed, a shortage of on-going maintenance funds, and maintaining a high level of security and care for the parks and trails.

Strategies for addressing existing threats include: 1) seeking more stable funding through assessments; 2) increased public awareness of park, recreation and open space issues; 3) development of a plan to leverage existing resources and expertise; 4) forging and maintaining partnerships; 5) improving mapping of resources; 6) curtailing vandalism by increased patrol presence; and 7) ensuring regional park master plans include proper trail and open space protections. The most important regional strategy was to fund and complete the Santa Ana River Trail. Additionally, we need to help local agencies find support for their recreation needs radiating out from the Santa Ana River Trail backbone.

Climate Change

Energy Intensity of Selected Water Supply Sources in Southern California



The Climate Change Pillar considers historic, current and future climate conditions and the implications of changing climate conditions for the Santa Ana River Watershed. The conditions that impact the Watershed are broken down into three key drivers: 1) changes in temperature; 2) changes in precipitation; and 3) changes in sea level. Overall, future threats of climate change may evolve from: 1) increasing temperature, which will reduce snow pack in the western states, as well as change the timing of the snowmelt which may adversely impact water supplies; water management strategies, air quality, and environmental resources; 2) changes in precipitation patterns which may result in less snow, more intense and lengthier droughts, more intense storms when precipitation occurs, and greater summer monsoon-type patterns which could also lead to more fire events caused by lightening; and 3) rising sea levels, which will impact coastal water infrastructure, cause greater infiltration of seawater into coastal groundwater basins and may adversely impact Bay Delta/State

Water Project supplies. There are numerous water management strategies that can lessen the impact of climate change. These adaptation strategies include improved water use efficiency; increased investment in development of local water supply projects, such as recycled water, groundwater management, and capture of stormwater (for example through low impact development); and enhancement of local environmental resources, such as wetlands, parks and open space that can provide multiple environmental, habitat, water quality, and water supply benefits. In addition, many adaptation strategies also help mitigate climate change trends. For example, local investment in water efficiency or local water supply development reduces the energy-intensity of current water supplies, lowering the greenhouse gas emissions associated with the provision of these resources. Climate change also carries important long-term implications for the environmental justice community because the rising cost of water supplies, temperature-induced smog, and heat island impacts are most likely to impact citizens that are least able to financially address these problems.

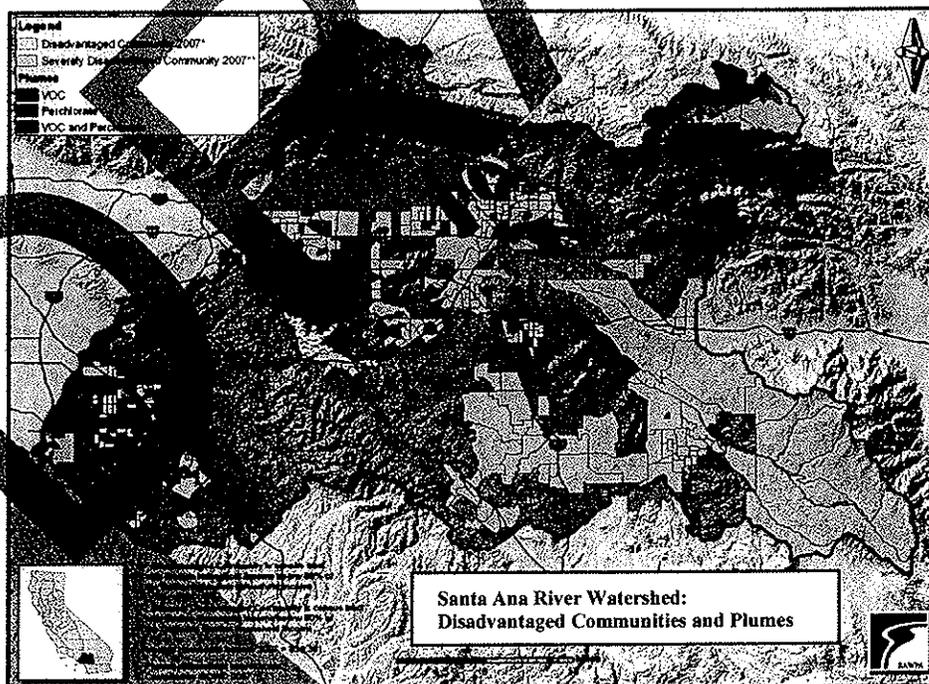
Environmental Justice

The United States Environmental Protection Agency recognizes the disproportionate impact that disadvantaged and minority communities face throughout the United States. Disadvantaged and minority communities are disproportionately affected by environmental pollutants which are emitted by various sources. Because these disadvantaged and minority communities

are concentrated in areas where the sources of pollution are situated, the communities often times endure conditions that are unknown by more affluent communities.

The State of California defines a Disadvantaged Census Tract as a census tract with a household income less than 80% of the California State median household income. They also define a Severely Disadvantaged Census Tract as a census tract with a household income less than 60% of the California State median household income. In 2007 the California median household income was \$58,361 as reported by the U.S. Census Bureau. Approximately 69% of the cities/communities within the Watershed are therefore considered disadvantaged or contain disadvantaged communities.

Several environmental justice issues within the Santa Ana River Watershed were identified early in the OWOW process. First, direct community impacts from groundwater contamination from industrial operations have occurred primarily in the upper Watershed. This sort of contamination should be addressed as a local issue before contaminant plumes spread and the issue becomes regional in nature. Addressing such issues early not only protects water supply the community living in the area of contamination, it also provides cost savings by avoiding cost of regional clean up efforts. Similar issues arise in areas where groundwater and surface waters are impacted by leaking septic systems located in some high density, lower income communities where sewer services are not available. Here



again, regional water quality issues can be avoided through implementation of projects to correct an environmental justice issue.

Some lower income areas of the Watershed are served by small water companies lacking resources to upgrade infrastructure and provide up-to-date treatment technologies for waste. In these areas the community lacks the resources and, in some cases, the expertise to upgrade systems. Disadvantaged areas located within larger districts with greater resources are not impacted in this way.

Finally, communication continues to be an environmental justice issue. Language barriers and a reliance on “word of mouth” communications limit communication avenues available to provide reliable, factual information to a community. In addition, the lower educational level of the community can result in difficulty interpreting the technical information needed to make informed decisions about water. Unfortunately, this issue has resulted in limited involvement from these communities in public discourse and in some cases, resulted in serious misinterpretation of information provided to the community.

Steering Committee Guidance

The next level of governance up from the foundation of the pillars was the OWOW Steering Committee. The Steering Committee consisted of ten representatives from across the Santa Ana River Watershed.

The Committee was convened by the SAWPA Commission, and included two representatives from the SAWPA Commission representing water agencies who serve as Convener and Vice-Convener; three County Supervisors - one from each county; three mayors - from large cities in each county; a business representative from the development community, and a representative from the environmental community. A list of Steering Committee members can be found here.

The Steering Committee’s role is to serve as the developer of IRWM goals and objectives for the Watershed; and to act as the oversight body that performs strategic decision making, crafts and adopts programmatic suites of project recommendations, and provides program advocacy necessary to optimize water resource protection for all.

The Steering Committee developed the following working goals and objectives for the OWOW process.

- Provide Reliable Water Supply
- Preserve and Enhance the Environment
- Promote Sustainable Water Solutions
- Ensure High Quality Water
- Provide Economically Effective Solutions
- Improve Regional Integration and Coordination
- Use Rainfall as a Resource
- Provide Recreational Opportunities
- Maintain Quality of Life

Moving Forward

As is likely to occur within any watershed, the sometimes conflicting goals or priorities of various watershed agencies can hinder progress. Within the Watershed there are over 100 large and small water districts, local, regional, state and federal agencies, and public/private stakeholder groups. SAWPA recognizes that all of these stakeholders have their own valid interests in ensuring there is sufficient clean reliable water in the Watershed, and SAWPA takes the initiative to keep all of these groups working together to solve the watershed's issues.

As such, OWOW strives for a collaborative approach to bring together the planning community, including both public and private sector planners, to advance the benefits of planning on a watershed scale and integrating watershed thinking into the everyday planning process. Working with varied interests and agendas, this watershed planning process has opened the doors to still greater partnerships, funding opportunities, connectivity, and increased awareness of planning projects and opportunities both in the city next door and in the community on the other side of the Watershed.

With the development of integrated watershed planning, multi-benefit, multi-purpose projects have moved to the forefront and have become one of the primary goals of the OWOW process. The idea of meeting a number of community needs with a single project is not new; however, specialization within agencies

that deal with water has often moved these project types to the backburner. Efforts primarily have focused on single purpose projects, and the additional effort required to develop multi-objective solutions have made true multi-benefit projects relatively uncommon. In California, there has been an effort to incentivize collaborative planning through IRWM Planning and associated funding sources. Moving into the future to meet increasing water demands in this region, funding opportunities will arise for the implementation of projects to achieve watershed sustainability. Often these funding opportunities are directed to a specific resource management strategy or policy issue so projects that may rank of the highest importance or priority in the Watershed as viewed by the water stakeholders may not be the first that is funded. Some funding opportunities have specific requirements directed to specific needs. Consequently, the region will need to remain flexible in pursuing funding when it becomes available keeping the larger picture of a sustainable, drought proofed, salt balanced region that supports economic and environmental vitality as the long term goal.

Residents of the Santa Ana River Watershed are fortunate to have a long history of innovative water planning. Currently, there are a number of planning efforts that are important to incorporate when addressing water issues within Watershed. Several planning initiatives at the State or southern California level have the potential to provide guidance in planning at the watershed level. There also have been a number of planning efforts undertaken at the sub-watershed level

Benefits of Multi-Purpose Projects

- Water use efficiency projects increase water supply reliability
- Integrated flood management projects also supply groundwater recharge and provide
- Surface storage provides opportunities for local recreation
- Improving water quality of “tainted” local supplies increases reliability
- Wetland habitat provides enhanced water quality

that provide a focused picture of local issues that can only be developed in this type of sub-regional plan. On the watershed scale, it becomes important to incorporate these lessons into the broader context to identify areas for collaboration and to ensure that local community interests are met.

The OWOW planning process was intended to be problem focused with a goal of developing linkages across the region’s varied geography and across the numerous disciplines that have an interest in water. Rather than focus on projects first, the Steering Committee suggested a planning process that focused on the value of water to the region, then on how that water is managed, and finally, specific projects would be identified. The process identified three broad areas where action is needed: the development of a water ethic; a more collaborative approach to water management; and the construction of sustainable water infrastructure.

Value Water Differently

The value of water to our region and its economy is not well reflected in the price paid by the end user. As a result, many water supply and

quality solutions proposed are overly complex and dependent on transfers of water from one region to another. These water solutions tend to be energy intensive and require large capital investment.

Clearly substantial investment is needed in expanding our water infrastructure, but viewing water for its value to our region and economy will focus efforts and energies into water conservation and water use efficiency, a rapid, cost effective means of providing reliable water supply and reducing the water quality impacts of run-off from overwatering.

Valuing water for its true value to our society will require the development of a new “water ethic”. The development of this ethic will be probably the most difficult of the action areas suggested by the OWOW process, but it is also the one that will produce available water quickly and without the construction of large infrastructure projects.

Work in a collaborative manner

Water is often described as to its source or its use. There is groundwater, stormwater, rainwater, surface water, nuisance water, environmental water, and many others. Classifying water by use or type does not identify potential linkages with others interested in the same resource. Managing a resource for one purpose results in additional costs for those interested in the same

resource. Working collaboratively does more than reduce controversy and litigation costs. As most involved in water management are publically supported, a collaborative process that results in multifunction, multi-benefit projects will ultimately reduce cost to the taxpayer and increase the efficiency of local agencies.

Build sustainable infrastructure

A growing population needs more infrastructure to support its needs. In addition, a population interested in developing a new water ethic needs new infrastructure to support that ethic. From water use efficiency tools available to the individual to water recycling infrastructure, it will be necessary to continue to provide quality infrastructure to the residents of the Santa Ana River Watershed. The American Society of Civil Engineers has noted that spending on infrastructure has not kept pace with our population growth. As the region's population grows, it is important to provide infrastructure that supports that population growth. Along with accommodating growth, the residents of the Watershed increasingly demand an infrastructure system that also is economically and environmentally sustainable. Providing this level of infrastructure requires more planning and more careful project implementation

Strategies to Reach Goals and Objectives

After the completion of the current conditions analyses by the individual pillars, the Pillar Leaders began to develop specific strategies to implement the goals and objectives set forth by the OWOW Steering Committee. They considered the specific goals and objectives as well as the practical limitations imposed on their pillar, as well as other pillars. The purpose was to propose specific strategies that were readily implemented in the Santa Ana River Watershed and would provide benefit to all water interests. A strategy serving only one

The strategies developed for the Watershed are as follows:

- Increase storage.
- Reduce demand.
- Value water differently.
- Desalt groundwater.
- Develop risk-based water quality improvement programs.
- Incorporate integrated water planning into General Plans.
- Maximize preservation and use of native plants.
- Manage public property for more than one use.
- Recycle water.
- Consider stormwater as water supply.
- Create watershed governance.
- Implement watershed-wide education programs.

These are further discussed in the *Summary and Next Steps* Chapter.

water interest group was not considered, as the Pillar Leaders reached a consensus that strategies or projects providing a regional benefit needed to provide benefit to more than one water interest group.

Conclusions

Four times in recent years, the Santa Ana Watershed Project Authority has completed an Integrated Watershed Plan. The plans have all looked at the Santa Ana River Watershed as a single region. These plans were intended to identify common problems and develop regional solutions. With each iteration, the process was broadened and the voices of more stakeholders were added. We've learned about how the water resources in the Watershed are linked, and how our success depends on careful planning that properly values water.

The OWOW program is a departure from our previous planning efforts. In this phase, the planning was driven from the ground up. The stakeholders in our water future, all of us in the Watershed, were asked to roll up our sleeves and identify the resources, problems and opportunities in this region. Led by an innovative Steering Committee, we enlisted the aid of ten volunteer pillar leaders, local experts on a particular aspect of water. The pillar leaders organized group meetings, led discussions, and produced reports that begin to lay the groundwork of our regional water future. The pillar leaders have developed strategies to reach those common goals identified in the process.

The process is not complete. All good plans require constant refinement and this one is no different. Over the years, the SAWPA IWP has provided a unique 30,000 foot elevation view of our Watershed, so we may better see how the more detailed plans, programs and projects are linked together. OWOW will continue to require refinement and the input from all in our region. As funding becomes available, we will position the Watershed to build the sustainable infrastructure we require. Working as a region, we can maintain our quality of life for a growing population, protect our remarkable natural resources, and ensure safe, reliable water for all residents.

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 1 I.
CONSENT CALENDAR ITEM
Meeting Date: April 8, 2009
April 22, 2009

TO: Council Members

FROM: Michael Kashiwagi, Development Services

SUBJECT: Consider amending Ordinance 824, adjusting the Western Riverside County Transportation Uniform Mitigation Fee (“TUMF”) applicable to all developments in the City of Wildomar

STAFF REPORT

RECOMMENDATION:

Hold second reading and adopt an amendment to Ordinance 824 adjusting the Transportation Uniform Mitigation Fee (TUMF) applicable to all development in the City of Wildomar.

BACKGROUND:

In 2002, the Western Riverside Council of Governments (WRCOG) adopted the Transportation Uniform Mitigation Fee (TUMF) Program pursuant to California Government Code, Section 66000 et seq., the Mitigation Fee Act.

The TUMF Program was created in response to the significant growth of new development in Riverside County. Faced with inadequate funding to improve the regional transportation system to accommodate new development, the member agencies of WRCOG developed the TUMF as a solution. The County of Riverside adopted the TUMF Program on December 10, 2002 and last amended Ordinance 824 with Ordinance 824.5 on July 1, 2008.

On August 27, 2008, the City of Wildomar adopted the County Ordinances, including Ordinance 824 (and its amendments) which authorizes participation in the Western Riverside County Transportation Uniform Mitigation Fee Program, hereinafter referred to as the TUMF Ordinance.

Section 4.C of the TUMF Ordinance authorizes periodic review and adjustment to the applicable TUMF fees in accordance with any adjustments made by the WRCOG Executive Committee. On February 2, 2009, the WRCOG Executive Committee approved an adjustment of the TUMF in light of recent decreases in the cost of constructing the regional transportation system. This adjustment was based on decreases to the Construction Cost Index (“CCI”) which WRCOG has determined to be

an accurate reflection of the cost of constructing the regional transportation system which was identified in the TUMF Nexus Study.

The proposed Ordinance amendment to Ordinance 824 incorporates these adjustments into the TUMF fee schedule contained in Section 4.A of Ordinance 824. Overall, the proposed amendment to Ordinance 824 will maintain the integrity of the TUMF Program by ensuring that there is sufficient funding to construct the regional improvements necessitated by new development.

SCHEDULE

April 8, 2009 – First Reading to amend Ordinance 824.

April 22, 2009 – Second Reading to amend Ordinance 824. Ordinance takes into effect 60 days after adoption.

FISCAL IMPACT

The proposed resolution amending the applicable TUMF applicable to all developments in the City of Wildomar will decrease the TUMF fee in order to accurately reflect the current cost of constructing the regional transportation improvement authorized by the TUMF Program.

ENVIRONMENTAL ANALYSIS

The proposed resolution amending the applicable TUMF Fee applicable to all developments in the City of Wildomar is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Submitted by:

Approved by:

Michael Kashiwagi
Development Services

John Danielson
Interim City Manager

Attachment:

1. City of Wildomar Ordinance No. 24

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 1 J.
CONSENT CALENDAR ITEM
Meeting Date: April 22, 2009

TO: Mayor and Members of the City Council
FROM: Gary Nordquist, Director of Finance
SUBJECT: Approval of Agreement for Audit Services

STAFF REPORT

RECOMMENDATION:

Enter into contract with Lance, Soll, and Lunghard, LLP to provide for audit services and preparation of required reports for fiscal years 2008-09, 2009-10, 2010-11.

BACKGROUND/DISCUSSION:

On the week of February 9, 2009 the Request for Proposals for auditing services were distributed to eight accounting firms and advertised on the California Society of Municipal Finance Officers Association (CSMFO) website. On February 27, 2009, the proposals were due to the City and 5 proposals were received. On March 25, 2009, the top 2 firms were interviewed and Lance, Soll & Lunghard, LLP were selected as the lowest qualified bidder.

Lance, Soll & Lunghard is a regional certified public accounting firm specializing in municipal auditing and accounting. The firm performs audits of nearly 50 cities in Southern California, including neighboring cities such as Canyon Lake, Murrieta, and Temecula. The firm also has experience with newly incorporated cities (at the time), City of Walnut and City of Murrieta. Lance, Soll & Lunghard will be responsible in performing an annual audit of all funds and financial statements of the City and preparing the City's Comprehensive Annual Financial Report (CAFR). They will also be performing an "agreed upon procedures" on the City's Appropriations Limit calculations and rendering a letter regarding the City's compliance. The audit firm may issue a separate management letter containing recommendations for improvements to internal control, accounting procedures and other significant observations that are considered to be non-reportable conditions. Lance, Soll & Lunghard, LLP will also prepare the annual State Controller's Reports and annual Street Reports on behalf of the City. As deemed necessary per the guidelines of OMB Circular A-133, the audit firm will perform a single audit procedures on the expenditures of federal grants and render the appropriate audit report.

FISCAL IMPACTS:

The cost of the audit per fiscal year is within budget and is not to exceed:

FY2008-09	\$9,250
FY2009-10	\$9,528
FY2010-11	\$9,813

ALTERNATIVES:

1. Take no action
2. Provide staff with further direction.

Submitted by:

Approved by:

Gary Nordquist
Finance Director

John Danielson
City Manager

CITY OF WILDOMAR – COUNCIL
Agenda Item 1 K.
CONSENT CALENDAR ITEM
Meeting Date: April 22, 2009

TO: Honorable Mayor Farnam, Members of the City Council

FROM: Michael Kashiwagi, Development Services

SUBJECT: Support Riverside County Transportation Commission's three high priority corridors for the next federal transportation authorization bill.

STAFF REPORT

RECOMMENDATION:

Authorize the Mayor to execute a letter of support to RCTC Government Relations Manager, supporting RCTC's priority corridor projects: Alameda corridor East (railroad grade separations throughout Riverside County), Interstate 215 and Interstate 10.

BACKGROUND:

In the coming months, the United States House of Representatives will consider new legislation to authorize the next era of transportation policy and funding. A Riverside County unified voice in Washington gives the County a strategic advantage over other counties in Southern California and other parts of the country. RCTC has appraised the many transportation needs of the region with the standards set by the House Transportation and Infrastructure Committee. Based on the criteria, the RCTC unanimously adopted three high priority corridors for the next federal transportation authorization bill. The three high priority corridors are:

Alameda corridor East (railroad grade separations throughout Riverside County),
Interstate 215
Interstate 10.

The Commission is fully aware that the needs of Riverside County far exceed the three corridors. In selecting the priority corridors, the Commission emphasized corridors that had a clear federal nexus, regional benefits, and could be delivered within the 6-year timeframe of the proposed legislation.

The bill will include language for federal formula programs that will spend billions of infrastructure dollars across the country over the next 6 years. The RCTC is taking a strategic and assertive posture in Washington for the entire region and the County must advocate in unison for programs that give Riverside County their deserved share of funding.

FISCAL IMPACT: None.

ALTERNATIVES:

1. Take no action
2. Provide staff with further direction

ATTACHMENTS:

Riverside County Transportation Commission Staff Report of April 8, 2009

Submitted by:

Approved by:

Michael Kashiwagi, Development Services

John Danielson, City Manager

URGENCY ITEM

<i>RIVERSIDE COUNTY TRANSPORTATION COMMISSION</i>	
DATE:	April 8, 2009
TO:	Riverside County Transportation Commission
FROM:	Federal Authorization Legislative Ad Hoc Committee Aaron Hake, Government Relations Manager
THROUGH:	Anne Mayer, Executive Director
SUBJECT:	Priority Projects for the New Authorization Bill

FEDERAL AUTHORIZATION LEGISLATIVE AD HOC COMMITTEE AND STAFF RECOMMENDATION:

This item is for the Commission to:

- 1) Adopt High Priority Projects for Federal Authorization:
 - a) Alameda Corridor East Grade Separations in Riverside County;
 - b) Interstate 215 Corridor Improvements; and
 - c) Interstate 10 Corridor Improvements;
- 2) Direct staff to work cooperatively with Coachella Valley Association of Governments and San Bernardino Associated Governments on High Priority Project requests; and
- 3) Direct staff to work cooperatively to support Riverside Transit Agency and SunLine Transit Agency on those agencies' project requests.

BACKGROUND INFORMATION:

The House Transportation and Infrastructure (T&I) Committee is in the midst of writing language for the next federal transportation authorization bill. The Committee's chairman, Rep. Jim Oberstar (D-MN), has stated that he intends to introduce the bill by May 15. He has further stated that he intends to markup the bill in the T&I Committee in late May and consider the bill on the House floor in June. This timeline began to emerge in early March, shortly following the enactment of the American Recovery and Reinvestment Act (ARRA) or "stimulus" bill. Until then, many in Washington, DC, questioned whether ARRA's infrastructure investment would lessen political pressure to pass a new transportation authorization bill in 2009. Instead, it seems to have emboldened Chairs Oberstar and Boxer to move forward with legislation quickly (due to their perceived inadequate infrastructure investment in ARRA). Additionally, mixed-messages regarding the role of earmarks (now dubbed "congressionally directed priorities") in the authorization bill have been sent by Congress and the Administration. However, it is now apparent that Congress intends to include Member priority projects in the bill from the outset.

Given that the details of the House bill are now being constructed, the T&I Committee has officially asked Members of Congress to submit High Priority Project requests from their respective districts to the T&I Committee. Members have been given until May 8 to submit High Priority Projects. The Commission should soon be receiving calls for projects from the four Members who represent Riverside County. In anticipation of this call, staff has prepared a recommendation to the Federal Authorization Legislative Ad Hoc Committee for the Commission to sponsor a strategic suite of projects for the authorization bill.

Vetting Commission Priority Projects

At its August 2008 meeting, this ad hoc committee received recommendations from Commission federal lobbyists and staff regarding criteria for authorization projects. Having received no alternative suggestions from the ad hoc committee at that time, staff continues to recommend that projects sought by the Commission in the next reauthorization shall:

- Have a clear federal nexus;
- Be regional in nature; and
- Be deliverable within the timeframe of the bill (before 2015-16)

Furthermore, the ad hoc committee discussed its desire to support corridors for improvement rather than individual projects. A regional corridor approach is consistent with recent policies by Senate and House Appropriations Committees and Senator Feinstein. As the Commission discussed at its 2008 workshop in La Quinta with its three federal lobbyists, staff believes the Commission will benefit from maintaining a strategy that focuses on the highest regional priorities, despite the many requests that will be made by cities for smaller projects. Competition will be fierce for limited dollars; diluting the Commission's support for the multitudinous local projects nominated by cities will detract from a regional message that can set Riverside County apart from others in California and the nation.

Congressional Criteria

In a letter dated April 2, 2009, Chairman Oberstar, Ranking Member Mica, and key committee members outlined their standards for High Priority Project requests. The letter is an attachment to this item. The basic points are outlined below:

- For road projects, is the project on the national highway or interstate system?
- Can 80% of the total cost of the phase or segment of the project be identified through local, state, or federal sources? (Sources and amounts must be named).
- How likely is construction of the project to begin during the term of the Act?

- Is the project explicitly supported by the state or local government agency?
- Is the project of national or regional significance?
- What are the safety, economic development, mobility, and environmental benefits associated with the completion of the project?
- What opportunity will the public have to comment on the project?
- Is the project in the region's long range state and/or federal transportation improvement plan?
- Members must certify that neither the Member nor his/her spouse has any financial interest in the project.
- Members are required to post requests for projects on the Member's website. Projects included in the bill will be posted on the Committee website, with all certifications and justifications provided to the Committee.

Given these detailed principles set by the T&I Committee, staff recommends the Commission adopt three major corridors of national and regional significance as High Priority Projects: Alameda Corridor East and Interstates 215 and 10. Within each of these corridors are projects that are currently under development that increase their likelihood of being "shovel ready" within the term of the new authorization bill.

Alameda Corridor East Grade Separations in Riverside County
Congressional Districts: 41-Lewis, 44-Calvert, 45-Bono Mack

The Commission has twice adopted a Grade Separation Funding Strategy, a one-of-a-kind document in Southern California that provides a blueprint for delivering the 20 highest-priority grade separations in Riverside County. There are 13 grade separations in this funding strategy that could be deliverable by 2016. The blueprint easily achieves the standards set by the T&I Committee for project justification. The blueprint demonstrates significant local funding commitments to all 13 projects. Grade separations have been a consistent congressional priority dating back to SAFETEA-LU, where Alameda Corridor East was identified as a Project of National and Regional Significance. Sponsoring this corridor as a High Priority Project also follows precedent set by the allocation of the Trade Corridor Improvement Fund (TCIF) from Proposition 1B, which was supported by the entire Southern California region. The Commission has been consistently supportive of grade separations on Alameda Corridor East as a countywide priority. Further, the Commission will continue to seek the creation of a national goods movement funding program that will address the local impacts of international trade.

Projects in the Commission's Grade Separation Funding Strategy that are deliverable within the timeframe of the new authorization bill are:

Project	Lead Agency	Total Cost (million)	TCIF	SAFETEA-LU
Auto Center Drive/BNSF	Corona	\$ 32.0	Yes	Yes
Avenue 52/UP	Coachella	\$ 17.3		
Avenue 56/Airport Boulevard/UP	County	\$ 60.0	Yes	
Avenue 66/UP	County	\$ 33.5	Yes	
Iowa Avenue/BNSF & UP	Riverside	\$ 32.0	Yes	Yes
Magnolia Avenue/UP	Riverside	\$ 51.2	Yes	
Sunset Avenue/UP	Banning	\$ 36.5	Yes	Yes
3 rd Street/BNSF & UP	Riverside	\$ 40.2	Yes	
Clay Street/UP	County	\$ 37.4	Yes	Yes
Magnolia Avenue/BNSF	County	\$ 81.8	Yes	
Riverside Avenue/UP	Riverside	\$ 30.3	Yes	
Streeter Avenue/UP	Riverside	\$ 36.8	Yes	
Jurupa Road/UP	County	\$ 108.4		
TOTAL		\$ 597.4		

The Commission would seek a federal share of approximately \$365 million for these Alameda Corridor East projects. If approved by the ad hoc committee, staff would further refine the details of this request to make a competitive application to our Member offices and the T&I Committee.

Interstate 215 Corridor Improvements

Congressional Districts: 41-Lewis, 44-Calvert, 45-Bono Mack, 49-Issa

Interstate 215 is a key corridor in the 2009 Measure A Expenditure Plan and is prioritized by the Commission in the 10-Year Western County Highway Delivery Plan. The California Transportation Commission (CTC) has also recognized I-215 as a priority with a \$38 million investment from the Proposition 1B Corridor Mobility Improvement Account (CMIA). The Commission is investing in transit along the corridor as well with the Perris Valley Line Metrolink Extension, a project that has received significant federal investment. This highway is regionally significant in its role as a link between Riverside and San Bernardino Counties. Last week, the Riverside County Board of Supervisors adopted a resolution declaring I-215 a bi-county regional priority. The San Bernardino Board of Supervisors will soon adopt the same resolution. The I-215 corridor presents an opportunity to demonstrate regional unity and address significant congestion and air quality challenges.

Staff proposes that I-215 corridor improvements, consisting of three critical projects, be considered for a High Priority Project request to Congress.

Urgency Item

French Valley Parkway

This new facility will play a critical role in improving infrastructure in southwest Riverside County and traffic flow near the Riverside/San Diego County border. This \$122 million project received High Priority Project designation in SAFETEA-LU from Rep. Darrell Issa. State funds totaling \$31.5 million have been placed on the project, designating French Valley Parkway as a regional priority. The authorization request would be approximately \$55.2 million. Anticipated construction start is in FY 2010/11.

Central I-215 Project: Scott Road to Nuevo Road

This project will add one mixed flow lane addition in both the north and south bound directions of I-215 between Scott and Nuevo Road, approximately 12.9 miles. The project will include the widening of four existing bridges and the replacement of two bridges. The project will involve extensive drainage modifications/improvements. This project will address some existing drainage problems and account for all new run off. Most work will be within the existing state right of way. The project is in the preliminary engineering and environmental clearance stage, with a projected construction start date in 2013. A total of \$170 million is needed for construction.

This segment of I-215 will be a continuation of the widening to be done on from Scott Road to Murrieta Hot Springs Road. That segment is being funded by state Proposition 1B funds.

I-215 Bi-County HOV Gap Closure Project

The Commission added this project to the 10-Year Measure A Delivery Plan in February 2009. This action will expedite a deliverable portion of the larger bi-county I-215 project that will cost upwards of \$1.4 billion. The interim project includes the addition of one HOV lane between the newly completed 60/91/215 interchange and Orange Show Road in San Bernardino. The total project cost is expected to be \$167.46 million. The Commission will be responsible for \$35.72 million with SANBAG responsible for the balance. Caltrans and the Federal Highway Administration have given conceptual approval to deliver this project separately from the larger I-215 bi-county project with the understanding that it will be given funding priority and delivered by 2014.

Advocating for this project will require cooperation and coordination with SANBAG in Washington, DC. If staff's recommendation is approved, staff will proactively outreach to SANBAG to advance this project's standing in Washington, DC.

As with Alameda Corridor East, staff recommends that I-215 be presented as a dynamic package of investments that are regional in nature with direct federal interest, emphasizing air quality improvement, mobility choices, and goods movement benefits.

Perris Valley Line Remains a Priority for Annual Appropriations Cycle

Staff is not recommending that Perris Valley Line be included in the I-215 Corridor proposal for *authorization*. This project has been receiving federal funds from the annual *appropriations* bills passed by Congress. Perris Valley Line is eligible to receive a Project Construction Grant Agreement (PCGA) from the Federal Transit Administration, which would create an obligation for the federal government to fund the project up to \$75 million. Annual appropriations from the Small Starts program sponsored by Senator Feinstein have set aside approximately \$47 million for the project in the last two fiscal years. The Commission will continue to request appropriations for Perris Valley Line until the project has received its maximum federal share of \$75 million.

I-10 Corridor Improvements

41-Lewis, 45-Bono Mack

The Coachella Valley Association of Governments and their local agency partners in the desert have spent many years developing a series of five important interchange reconstructions on I-10. These interchanges have serious economic development, air quality, and congestion relief implications for the Coachella Valley. The free flow of people and commerce off of I-10 is critical to the future of the valley. A major obstacle to delivering these five interchanges has been securing funding in an environment where construction costs escalated globally and budget problems plagued the state and federal governments. The ARRA presented an opportunity for a breakthrough. At its March meeting, the Commission designated the Palm Drive/I-10 and Bob Hope Drive/Ramon Road/I-10 interchanges as priorities for investment using the Commission's anticipated ARRA funds.

Once these two "stimulus" projects go to construction, there will be three remaining I-10 interchanges to build: Indian Avenue/I-10, Jefferson Street/I-10, and Date Palm Drive/I-10. Assuming timely enactment of the new authorization bill, all three projects could stand to benefit from new federal funding. While local and state commitments have been made to fully fund the projects once they are ready to go to construction, downturns in state and local revenue present potential future obstacles. Staff recommends that the Commission maintain a corridor approach on I-10 and request at least \$110 million for all five interchanges to guarantee delivery of these projects once pre-construction work is completed.

Staff has been in communication with CVAG regarding these interchanges and their potential for federal authorization funding. If this priority designation is approved by the ad hoc committee, staff will continue to work with CVAG in preparing a strong and detailed application to our Member offices.

Transit

Riverside Transit Agency and SunLine Transit Agency will also be asked to prepare requests for High Priority Projects. Staff recommends that the Commission work cooperatively with these operators to develop strong requests for their priority projects. Based on the structure of previous authorization bills, transit projects should not compete with the Commission's highway and grade separation priorities. It is not yet known what priorities the two operators will endorse, however the Commission can work cooperatively to ensure that the transportation community in Riverside County presents a strong package to Congress.

Next Steps

At the direction of the ad hoc committee, staff will begin preparing documentation to support each High Priority Project request. Staff requests approval of this three-corridor concept and the projects within those corridors, as well as direction to work with regional partner agencies in the development of a coordinated advocacy strategy.

Due to the deadlines provided by the T&I Committee, time will be of the essence. The May 8 deadline for Members to submit project requests to T&I likely means that Members will ask the Commission to submit its projects for review one or two weeks ahead of the May 8 deadline. Given that these instructions were given last week, it does not provide for a normal course for full Commission consideration before the May 8 deadline. The ad hoc committee's recommendation will be taken to the full Commission. Commission staff and lobbyists are prepared to move quickly at the direction of the ad hoc committee.

As the introductory paragraph to this staff report indicates, the timing of authorization activities has been a constant question since federal economic stimulus legislation began to be contemplated late last year. Despite Chairman Oberstar's assertions that the House will move quickly to pass a new bill, it is not yet known what Speaker Pelosi's disposition is and few details about the Senate's calendar (other than Senator Boxer's pledge to do a bill on-time) are known.

Ultimately, the goal of approving a Commission-sponsored suite of projects and including them in the House bill is to establish a precedent in the public record that Riverside County infrastructure is a national and regional priority. While the timing of the legislation may change several times, staff recommends that Commission projects be part of the initial draft.

Attachments:

- 1) Letter from Chairman Oberstar
- 2) T&I Committee Project Questionnaire

**CITY OF WILDOMAR-CITY COUNCIL
Agenda Item 3 A.
General Business Item
Meeting Date: April 22, 2009**

TO: Mayor and City Council
FROM: Terry L. Fitzwater, Assistant City Manager
SUBJECT: Headcount Additions

AGENDA TITLE: Hiring of City Manager and City Clerk

RECOMMENDATION:

Staff recommends the City Council of the City of Wildomar direct staff to hire for the positions of City Manager and City Clerk and to adopt the attached proposed salary ranges.

BACKGROUND INFORMATION:

The City of Wildomar, with its July 1, 2008 incorporation will require a limited number of full-time staff as it continues its evolution and growth. Of paramount importance is the selection of a City Manager and a City Clerk who will work closely with and support the City Council and its goals and objectives.

DISCUSSION:

The positions of City Manager and City Clerk form a critical nucleus from which the city can continue its drive toward becoming a stand-alone city. The positions will have specific duties to execute, as outlined in the attached job descriptions. Briefly, they are as follows:

City Manager:

The City Manager will act as the city's chief executive officer. The position will provide support and will work closely with and report to the City Council. The City Manager will plan, direct, and manage all operations and employees assigned to the departments of, but not limited to, administrative services and the functions of human resources, accounting and finance, risk management, city clerk, public works, planning and public safety.

City Clerk:

The City Clerk reports to and receives direction from the City Manager. The clerk will perform a variety of complex and highly specialized administrative support to the City Council and City Manager. Responsibilities include but are not limited to the recording, preparing and maintenance of all Council legislative actions, serving as the City's Election Official and managing compliance with the Political Reform Act.

Salary Range:

Many factors contribute to a salary range including (1) What the city can afford to pay (2) What other cities are paying in the region and the state and the (3) size and complexity of the city. The attached surveys show an average City Manager salary as 209,516 and an average City Clerk salary range at 80,111-97,545

Based upon these factors and the information presented in attachments staff recommends the following ranges:

City Manager	\$170,000-\$212,500
City Clerk	\$73,000-\$98,550

FISCAL IMPACT:

The City will also need to consider a relocation package if required and a car allowance for the city manager to \$500 a month. Both will be negotiated, if required, and \$25,000 set aside to cover the relocation possibility. A June hiring date would impact the current budget by \$53,597. The first year's budget impact would be approximately \$355,100 in salary and benefits and would increase in subsequent years with expected merit raises, changes in benefits etc.

ATTACHMENTS:

1. Exhibit I-Job Description-City Manager
2. Exhibit II-Job Description-City Clerk
3. Exhibit III-Salary Survey-City Managers
4. Exhibit IV-Salary Survey-City Clerk

Exhibit I

**The City of Wildomar
CLASSIFICATION DESCRIPTION**

Class Title: City Manager	Department: City Council
Effective: April 22, 2009	Date:

GENERAL PURPOSE

The City Manager reports to and serves at the pleasure of the City Council. The position serves as the Chief Executive Officer of the city and provides leadership and direction to all functional areas/departments of the City to include, human resources, accounting and finance, risk management, contract compliance, planning, public works and public safety. The City Manager will provide highly responsible and complex support to the City Council.

ESSENTIAL DUTIES AND RESPONSIBILITIES

(The following is used as a partial description and is not restrictive to duties required.)

The City Manager is charged with the responsibility for the implementation and interpretation of city-wide policies and procedures while ensuring that the goals and objectives set forth by the City Council are accomplished. Makes oral and written presentations to the City Council and represents the City to the region at various public and governmental events. Ensures that all departments within the City have adequate resources through sound fiscal planning and expenditure to maintain high levels of community service.

The City Manager prepares and recommends long-range operational and fiscal plans for City services and programs; develops specific proposals for action on current City needs. Must work closely with the Mayor, City Council, boards and commissions, a variety of public and private organizations, and citizen groups in implementing programs and projects to resolve identified problems/issues to ensure the long-term success of the city.

EMPLOYMENT STANDARDS

Knowledge of:

Principles and practices of all aspects of city management, with exceptionally strong leadership collaborative skills and abilities; administrative principles and methods, including developing and implementing goals, objectives, policies, procedures, work standards, and internal controls. Sound and effective resolution techniques for complex technical and employee related issues,

evaluating alternative solutions and adopting effective courses of action. Strong understanding of technical disciplines, procedures and applicable City, State and Federal laws affecting the administration of the above specialized areas.

Ability to:

Work collaboratively across all City departments and disciplines. Must have superior team and consensus building skills as well as communication skills.

DESIRED MINIMUM QUALIFICATIONS

Education and Experience

Graduation from an accredited four-year college or university with a (4)-year degree in public administration, business administration or related field. Master's Degree is preferred and ten (10) years of demonstrated leadership experience in a highly visible management or leadership position; or any equivalent combination of education and experience that would likely provide the required knowledge and abilities.

Special Requirements

Must possess and maintain a valid California driver's license and acceptable driving record.

TOOLS AND EQUIPMENT USED

Personal computer including word processing and Excel spreadsheet software; 10-key calculator; telephone; email; copy machine; fax machine and other office devices that the City may provide or acquire in the future.

PHYSICAL DEMANDS

Level A 1: Basically, an indoor desk job. The job may require traveling by car. Physical demands include occasional lifting up to 25 pounds, walking, some bending, stooping and squatting. Environment is generally clean with limited exposure to conditions such as dust, fumes, odors, or noise

Approval: _____
Human Resources Manager

Exhibit II

The City of Wildomar CLASSIFICATION DESCRIPTION

Class Title: City Clerk	Department: City Manager
Effective: April 22, 2009	Revised:

GENERAL PURPOSE

The City Clerk reports to the City Manager to serve as the principal administrative officer for the Office of the City Clerk. The City Clerk is responsible for performing the functions and duties assigned by the laws of the State of California, ordinances and resolutions enacted by the City Council and to perform such other duties and functions as the City Manager assigns.

ESSENTIAL DUTIES AND RESPONSIBILITIES

(The following is used as a partial description and is not restrictive to duties required.)

Assumes full management responsibility for all City Clerk's Office services and activities; attends regular and special City Council meetings and oversees or performs an accurate recording of the proceedings; codifies and maintains the Wildomar Municipal Code; oversees indexing and filing of City records; coordinates and administers municipal elections in conjunction with the County Registrar of Voters; manages the receipt and processing of petitions relating to initiatives, recalls and referendums; administers and directs the posting, mailing and publication of legally required notices and public hearings; responsible for the preparation and distribution of agendas, materials, minutes, and records of meetings; administers the provisions of the Brown Act, Political Reform Act, and Public Records Act; maintains custody of the official City Seal and safeguards official records and archives of the City including ordinances, resolutions, contracts, deeds, and minutes; facilitates the recordation of such documents as required; administers and files oaths of office; serves as Filing Officer and Filing Official for required disclosures under the Political Reform Act; prepares and presents staff reports and other necessary correspondence; manages the records program, develops, directs, and manages department budget; forecasts funds needed for staffing, equipment, materials, and supplies; monitors and approves expenditures; assesses and monitors workload distribution and support systems; selects, trains, motivates and evaluates department personnel; establishes department goals, objectives, policies and priorities; provides technical and administrative assistance to members of the City Council as directed; responds to citizen inquiries and resolves difficult and sensitive complaints; receives official appeals, filings, and claims against the City; provides notary and attestation service for official records; performs other or related duties as assigned.

EMPLOYMENT STANDARDS

Knowledge of:

Applicable Federal, State, and municipal laws, codes and regulations, such as the Brown Act, Public Records Act, Americans with Disabilities Act, Political Reform Act, California Elections Code, and Wildomar Municipal Code; municipal government structure and organization of council/manager form of government; parliamentary procedures; principles and practices of municipal budget preparation and administration; modern and complex principles and practices of City Clerk services program development and administration; effective management and supervision; principles and practices of planning, organizing, assigning, directing, reviewing, and evaluating departmental staff activities; selecting, motivating, and evaluating staff and providing for their training and professional development; municipal records management; principles, methods and trends of public and business administration including research techniques, report writing, presentations, statistical concepts, communication technology, and project management.

Ability to:

Research, analyze, and evaluate service delivery methods, procedures and techniques; comprehend and implement complex and comprehensive laws and regulations; ensure compliance with Federal, State and municipal laws, rules, regulations, policies, procedures, and requirements related to the functions of the City Clerk; prepare and present staff reports, conduct research and perform analysis for special projects; administer the records management program, including receipt and maintenance of official City documents and records, electronic imaging, and developing and carrying out the Records Retention Schedule; maintain current and past legislative history of City Council actions and provide research and reference services to the public and City staff; select, plan, organize, assign, direct, review, and evaluate departmental staff and provide for their training and professional development; appropriately delegate authority and responsibility; exhibit excellent management skills and demonstrate success at motivating staff and maximizing productivity; establish and maintain cooperative working relationships with elected officials, department heads, outside agencies, and the general public, gain cooperation through collaboration and discussion; identify and respond to community and City Council issues, concerns, and needs providing equal service to all; maintain neutrality and be politically astute, capable of making impartial professional recommendations within a political environment; work under pressure and time constraints; remain poised and controlled when challenged; be flexible, unbiased and have a strong sense of professional ethics; maintain confidentiality of sensitive information; communicate clearly and concisely, verbally and in writing; plan, organize, and facilitate meetings; work long and varied hours, including evenings and/or weekends, if required.

DESIRED MINIMUM QUALIFICATIONS

Any combination of education and experience that would provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education and Experience

Experience:

Five (5) years of progressively responsible work in a public administration environment, or related field, including professional-level experience in records management, and at least two (3) years of supervisory responsibility.

Education:

Equivalent to a Bachelor’s Degree from an accredited college or university with major course work in public administration, or a closely related field.

Special Requirements

Possession of Notary Public commission at time of appointment, or ability to obtain commission within one year.

Possession of Certified Municipal Clerk (CMC) designation by the International Institute of Municipal Clerks and/or Certified Records Manager designation from the Association of Records Managers and Administrators (ARMA) are both desirable.

Possession of a valid California Class C Driver’s License at the time of appointment.

Must be willing to attend meetings outside of normal working hours.

TOOLS AND EQUIPMENT USED

Personal computer including word-processing, spreadsheet, and data software; motor vehicle; telephone; mobile communication equipment; fax machines; scanners and copiers.

PHYSICAL DEMANDS

Work indoors in an office environment; sit at a desk or in meetings for long periods of time; occasional lifting up to 25 pounds, walking, some bending, stooping, and squatting; may travel to various City and other public agency locations in vehicle; may be exposed to dust, noise, machinery, moving objects or other vehicles in the performance of assigned duties.

Approval: _____
Human Resources Manager

Exhibit III--RIVERSIDE COUNTY CITY MANAGERS

3/23/2009

	CITY		SALARY	POP.
1	Indio		\$309,375	77,146
2	Temecula		\$277,524	97,935
3	Palm Springs		\$270,000	46,858
4	Moreno Valley		\$269,301	180,466
5	Riverside		\$265,000	291,398
6	Indian Wells		\$262,500	4,942
7	La Quinta		\$240,000	41,092
8	Rancho Mirage		\$234,115	16,944
9	Corona		\$233,723	146,164
10	Hemet		\$230,000	71,705
11	Desert Hot Springs		\$217,000	23,544
12	Palm Desert		\$215,000	49,752
13	San Jacinto		\$210,000	34,345
14	Murrieta		\$ 210,000	97,257
15	Lake Elsinore		\$185,000	47,634
16	Beaumont		\$180,000	28,250
17	Wildomar		\$180,000	27,000
18	Banning		\$179,000	28,272
19	Coachella		\$175,000	38,486
20	Blythe		\$175,000	22,625
21	Menifee		\$175,000	
22	Calimesa		\$159,075	7,414
23	Perris		\$155,000	50,663
24	Cathedral City		\$152,462	52,115
25	Canyon Lake		\$150,000	10,969
26	Norco		\$138,365	27,361

Average = \$ 209,516

Exhibit IV--RIVERSIDE COUNTY CITY CLERKS

3/23/2009

	CITY	Salary Range		POP.
1	Indio	99,264-133,032		77,146
2	Temecula	97,021-124,174		97,935
3	Palm Springs	101,628-123,852		46,858
4	Moreno Valley	90,943-144,843		180,466
5	Riverside	135,120		291,398
6	Indian Wells	CM is clerk		4,942
7	La Quinta	99,732-121,236		41,092
8	Rancho Mirage	109,668		16,944
9	Corona	92,892-113,400		146,164
10	Hemet (E)	50,328-64,236		71,705
11	Desert Hot Springs	63,275-76,912		23,544
12	Palm Desert	103,729-142,313		49,752
13	San Jacinto	58,867-71-553		34,345
14	Murrieta	89,876-109,262		97,257
15	Lake Elsinore	68,000		47,634
16	Beaumont (E)	72,060-92,244		28,250
17	Wildomar	50 hr.		30,000
18	Banning (E)	40,639-54,983		28,272
19	Coachella (E)			38,486
20	Blythe	PT Elected 600 mo		22,625
21	Menifee	no yet decided		
22	Calimesa	55,602-70,963		7,414
23	Perris	57,456-69,840		50,663
24	Cathedral City	58,906-71,601		52,115
25	Canyon Lake	73,000		10,969
26	Norco	64,344-78,216		27,361

Average Low 80,111
 Average High 97,545

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 3 B.
GENERAL BUSINESS ITEM
Meeting Date: April 22, 2009

TO: Honorable Mayor and City Council Members
FROM: Gary Nordquist, Finance Director
SUBJECT: Purchasing Ordinance

STAFF REPORT

RECOMMENDATION:

That the City Council review and consider for adoption the attached ordinance providing purchasing procedures for the City.

BACKGROUND/ANALYSIS:

Since incorporation, the City has been using the County of Riverside's Purchasing Ordinance (Chapter 2.92 of the Riverside County Code) as the Purchasing Ordinance for the City. After encountering several situations relating to the implementation of the County's ordinance in the City, City staff requested that the City Attorney's Office prepare a Purchasing Ordinance for the City tailored to the City's needs.

The attached Purchasing Ordinance will add three new chapters to the Wildomar Municipal Code. Chapter 3.06 will deal with the purchase of supplies and equipment, Chapter 3.07 with professional and consulting services, and Chapter 3.08 with public projects. Each chapter contains detailed procedures for the procurement of the goods and services regulated by that chapter. In general, the procedures required by the ordinance for a particular contract will depend on the dollar amount of the contract. All contracts for \$50,000 or more must be approved by the City Council after formal competitive bidding has been completed. Contracts for lesser amounts may be approved by the City Manager with informal bidding procedures being required. For contracts of \$1,000 to \$9,999, three verbal quotations are required; for contracts of \$10,000 to \$50,000, three written quotations are required. Exceptions are made for emergency circumstances. For purchases of supplies and equipment, reasonable preference is given to local businesses.

Furthermore, the chapter on professional and consulting contracts differs from the County ordinance in that it allows the City to consider the bid price but does not require the City to award a professional or consulting contract to the lowest bidder. This change was made upon the recognition by City staff that due to the expertise and skill

required, price should not be the determinative factor in the selection of professional and consultant services.

In sum, the attached Purchasing Ordinance will provide City staff and the public with clear procedures to be followed for purchases and contracts. The attached Purchasing Ordinance is more detailed than the County ordinance and provides a comprehensive set of procedures that address the full range of the City's purchasing and contracting needs.

FISCAL IMPACTS:

None.

ALTERNATIVES:

1. Take no action
2. Provide staff with further direction and take action at the May 13, 2009 Council meeting.

Submitted by:

Approved by:

Gary Nordquist
Finance Director

John Danielson
Interim City Manager

ORDINANCE NO. 25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADDING CHAPTERS 3.06, 3.07 AND 3.08 TO THE WILDOMAR MUNICIPAL CODE PERTAINING TO BIDS, PURCHASES AND CONTRACTS

THE CITY COUNCIL OF THE CITY OF WILDOMAR DOES ORDAIN AS FOLLOWS:

SECTION 1: Addition of Chapters to Wildomar Municipal Code. Chapters 3.06, 3.07 and 3.08 are hereby added to the Wildomar Municipal Code to read as follows:

"3.06 PURCHASING OF SUPPLIES AND EQUIPMENT

- 3.06.010 Definitions
- 3.06.020 Adoption of purchasing system
- 3.06.030 Centralized purchasing
- 3.06.040 Director of Finance to serve as general purchasing agent
- 3.06.050 Exemptions from centralized purchasing
- 3.06.060 Encumbrance of funds
- 3.06.070 Emergency purchases
- 3.06.080 Purchasing methods
- 3.06.090 Verbal and written quotations
- 3.06.100 Bidding preference for local businesses
- 3.06.110 Sealed bid procedure for purchases greater than \$50,000
- 3.06.120 Surplus supplies and equipment
- 3.06.160 Gifts and rebates

§ 3.06.010 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGENCY and USING AGENCY. Any department, agency, commission, bureau or other unit of the City government, other than the Wildomar Redevelopment Agency, which derives its support wholly or in part from the City. Nothing in this chapter is intended to prohibit the Wildomar Redevelopment Agency from adopting the City's rules pertaining to purchase of supplies and equipment, contracting, etc. to the extent permitted by state law.

BIDDER'S SECURITY. In connection with any sealed bid process required by this Chapter, each bid shall be accompanied by a bond, cashier's check or cash in an amount of not less than 10% of total amount bid. For sealed bids submitted pursuant to Section 3.07.030, the Finance Director may waive the requirement that Bidder's Security be provided by the bidder.

BIDDERS' FILE. A current file of sources of supply of articles for each category of commodities repetitively purchased for City use.

CITY MANAGER. Shall mean the City's City Manager and his or her designee.

DIRECTOR OF FINANCE. Shall mean the City's Finance Director and his or her designee.

PUBLIC PROJECTS. Shall have the same definition as set forth in Section 22002 of the Public Contract Code.

PURCHASES. Purchases of supplies and equipment shall include leases or rentals as well as transactions by which the City acquires ownership.

RESPONSIBLE BID. An offer, submitted by a responsible bidder, to furnish supplies and equipment or services in conformity with the specifications, delivery terms and conditions and other requirements included in the notice inviting bids.

RESPONSIBLE BIDDER. A bidder who submits a responsible bid and who is not only financially responsible, but is possessed of the resources, judgment, skill, ability, capacity and integrity requisite and necessary to perform the contract according to its terms.

A determination as to whether or not a bidder is a Responsible Bidder shall include an evaluation of relevant factors including, but not limited to, the following factors:

- (1) The ability, capacity and skill of the bidder to perform the contract or provide the maintenance and service required;
- (2) Whether the bidder has the facilities to perform the contract promptly, or within the time specified, without delay or interference;

- (3) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (4) The bidder's record of performance of previous contracts or of provision of maintenance and service thereunder;
- (5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or of the furnishing of maintenance and service thereunder;
- (6) The sufficiency of the financial resources and ability of the bidder to perform the contract;
- (7) The quality, availability and adaptability of the supplies and equipment to the particular use required;
- (8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- (9) The number and scope of exceptions and conditions attached to the bid;
- (10) Whether the bidder has a previous or existing relationship with an officer or employee of the City that may create a conflict of interest on behalf of the officer or employee if a contract is awarded to the bidder.

SUPPLIES and EQUIPMENT. Any and all articles, things or personal property furnished to or used by any agency.

§ 3.06.020 ADOPTION OF PURCHASING SYSTEM.

In order to establish efficient procedures for the purchase of supplies and equipment, to secure for the City supplies and equipment at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is hereby adopted.

§ 3.06.030 CENTRALIZED PURCHASING.

There is hereby created a centralized purchasing and stores division within the Finance Department, in which is vested authority for the purchase and storage of supplies and equipment.

§ 3.06.040 DIRECTOR OF FINANCE TO SERVE AS GENERAL PURCHASING AGENT.

The Director of Finance shall be the head and have general supervision of the purchasing department. The Director of Finance shall have the authority to:

(A) Purchase or contract for supplies and equipment required by any using agency in accordance with purchasing procedures prescribed by this chapter, such administrative regulations as the Director of Finance shall adopt for the internal management and operation of the purchasing department and such other rules and regulations as shall be prescribed by the City Council or the City Manager.

(B) Negotiate and recommend execution of contracts for the purchase of supplies and equipment.

(C) Act to procure for the City the needed quality in supplies and equipment at least expense to the City.

(D) Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases.

(E) Prepare and recommend to the City Council rules governing the purchase of supplies and equipment for the City.

(F) Prepare and recommend to the City Council revisions and amendments to the purchasing rules.

(G) Keep informed of current developments in the field of purchasing, prices, market conditions and new products.

(H) Prescribe and maintain such forms as reasonably necessary to the operation of this chapter and other rules and regulations.

(I) Supervise the inspection of all supplies and equipment purchased to insure conformance with specifications.

(J) Recommend the transfer of surplus or unused supplies and equipment between departments as needed, and the sale or disposition of supplies and equipment which cannot be used by any agency or which have become unsuitable for City use.

(K) Maintain a bidders' file, vendors' catalog file and records needed for the efficient operation of the Purchasing Department.

§ 3.06.050 EXEMPTIONS FROM CENTRALIZED PURCHASING

The City Manager or Director of Finance may authorize any City department head to contract for the purchase of supplies and equipment provided that such purchases shall be made in conformity with the procedures established by this chapter, and any administrative regulations as the Director of Finance shall adopt for the internal management and operation of the purchasing department and such other rules and regulations as shall be prescribed by the City Council or the City Manager.

§ 3.06.060 ENCUMBRANCE OF FUNDS.

Except in cases of emergency or in cases where specific authority has been first obtained from the City Council, no purchase order for supplies or equipment shall be issued unless the Director of Finance or his or her designee has certified that there exists an unencumbered appropriation in the fund account (or available budget balance) against which the purchase is to be charged.

§ 3.06.070 EMERGENCY PURCHASES.

While the need for occasional emergency purchases is recognized, the practice must be curtailed as much as possible by anticipating needs so that the normal purchasing procedure utilizing bidding may be used.

(A) An emergency shall be deemed to exist if:

(1) There is a great public calamity.

(2) There is immediate need to prepare for national or local defense.

(3) There is a breakdown in machinery or an essential service which requires the immediate purchase of supplies and equipment to protect the public health, welfare or safety.

(4) An essential departmental operation affecting the public health, welfare or safety would be greatly hampered if the prescribed purchasing procedure would cause an undue delay in procurement of the needed item.

(B) In case of an emergency which requires immediate purchase of supplies and equipment, the City Manager may authorize the Director of Finance or his or her designee to secure by the process set forth in section 3.06.090 any supplies and equipment regardless of the amount of the expenditure.

§ 3.06.080 PURCHASING METHODS

(A) The table below sets forth the required methods for purchasing of supplies and equipment, as well as contracting for Public Projects. (Contracting for consultants and professional services is addressed in Chapter 3.07.)

Value of Purchase	Purchase Method	Agreement Format
Under \$1,000	None	None
\$1,000 to \$9,999	3 verbal quotations ¹	Purchase Order approved by Finance Director or contract signed by City Manager for supplies or equipment ² City Manager executed contract for Public Projects ⁴
\$10,000 to \$50,000	3 written quotations ¹	Purchase Order approved by Finance Director and City Manager or contract signed by City Manager for supplies or equipment ² City Manager executed contract for Public Projects ⁴
Over \$50,000	Council authorized Notice Inviting Sealed Bids ³	Council Approved Contract ⁴

1 See section 3.06.120

2 See section 3.06.090

3 See section 3.06.110

4 All City contracts shall be assigned a contract number by the City Clerk for tracking and filing purposes.

(B) Notwithstanding the table in subsection (A), the purchase method for the purchase of supplies or equipment may be dispensed with under the following circumstances:

(1) An emergency, as described in section 3.06.070, requires that an order be placed immediately to protect the public health, safety or welfare; or

(2) The supply or equipment can only be obtained from one source ("sole source"); or

(3) The supply or equipment is available through or in conjunction with another public agency's purchase of such supply or equipment and the other public entity has gone through a bidding process which the City Manager determines is comparable to the processes described above ("piggybacking").

(C) Notwithstanding the table set forth in (A), the purchase method for Public Projects may be dispensed with under the following circumstances:

(1) An emergency, as described in section 3.06.070, requires that the project or service be undertaken immediately; or

(2) The project can only be performed by or the service can only be rendered by one vendor.

(D) The Agreement format required by the Table in (A) shall be required for any purchase pursuant to (B) or (C).

(E) In its discretion, the City Council may at any time, by a majority vote and without amending this chapter, waive the purchasing procedures or alter these proceedings to fit a specific purchase.

§ 3.06.090 VERBAL AND WRITTEN QUOTATIONS

(A) Minimum number of bids. Wherever possible, purchases utilizing verbal and written quotations shall be based on at least three bids, and shall be awarded to the lowest responsible bidder.

(B) Solicitation of bids. The Director of Finance or his or her designee shall obtain and/or review quotations as follows:

(1) By telephone provided the amount of the purchase is \$1,000 or more but less than \$10,000; and

(2) In writing provided the amount of the purchase is \$10,000 or more, but not more than \$50,000.

(C) Written bids. All bids received pursuant to this section shall be submitted to the Director of Finance who shall keep a record of all open market orders and bids for

a period of one year after the submission of bids or the placing of orders. This record, while so kept, shall be open to the public inspection.

§ 3.06.100 BIDDING PREFERENCE FOR LOCAL BUSINESSES.

For the purpose of determining the lowest responsible bidder as required by §§ 3.06.110 and 3.06.120, 1% of that portion of any bid subject to sales or use tax shall be deducted from such bid where it is determined that if such bid were accepted by the City as the lowest responsible bid received, the City would receive a refund of the 1% sales and use tax imposed by Chapter 3.05 ("Sales and Use Tax") of this code.

§ 3.06.110 SEALED BID PROCEDURE FOR PURCHASES GREATER THAN \$50,000

Purchases of supplies and equipment of an estimated value greater than \$50,000 shall be by written contract with the lowest responsible bidder pursuant to the procedure hereinafter prescribed.

(A) Notice inviting bids. Notices inviting bids shall be advertised by the City Clerk and shall include a general description of the articles to be purchased, shall state where bid forms and specifications may be secured, and the time and place for opening bids.

(1) Published notice. The City Clerk shall cause notices inviting bids to be published at least twice in a newspaper of general circulation ten days before the date of opening of the bids, with the second publication occurring at least five days after the first, or posted for ten days in three public places in the City that have been designated by the City Council.

(2) Bidders' file. The Director of Finance or his or her designee shall also solicit sealed bids from all responsible prospective suppliers whose names are on the bidders' file or who have made written request that their names be added thereto.

(B) Bidder's Security.

(1) Unless otherwise provided by the City Manager prior to the letting of public notices inviting bids, each bid shall be accompanied by Bidder's Security.

(2) Bidders shall be entitled to return of Bid Security; provided, however, that a successful bidder shall forfeit his or her Bid Security upon his or her refusal or failure to execute the contract within ten days after the preparation and mailing of the contract, unless in the latter event the City is solely responsible for the delay in executing the contract. The City Council may, on refusal or failure of the successful bidder to execute the

contract, award it to the next lowest responsible bidder. In such event, if the City Council awards the contract to the next lowest bidder, the amount of the lowest Bidder's Security shall be applied by the City to the contract price differential between the lowest bid and the second lowest bid, and the surplus less any City expenses related to the lowest bidder, if any, shall be returned to the lowest bidder.

(C) Bid opening procedure. Sealed bids shall be submitted to the City and shall be identified as "BID" on the envelope. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be available for public inspection during regular business hours for a period of not less than 30 calendar days after the bid opening. Once opened, the bids shall be public records. Notwithstanding the foregoing, any bid deemed non-responsive at the time of bid opening shall not be kept by the City and shall be returned to the bidder once deemed non-responsive. Grounds for determining a bid is non-responsive include, but are not limited to, failure to provide the required bid bond and failure to attend any mandatory walk through or pre-bid meeting.

(D) Rejection of bids. In its discretion, the City Council may reject any and all bids presented and re-advertise for bids pursuant to the procedure hereinabove prescribed.

(E) Award of contracts. Except as otherwise provided herein, contracts shall be awarded by the City Council to the lowest responsible bidder.

(F) Tie bids. If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay or re-advertising for bids, the City Council in its discretion may accept the one it chooses.

(G) Performance bonds. The City Manager shall have the authority to require a performance bond or materials and labor bond or both before entering a contract in such amounts as he/she shall find reasonably necessary to protect the best interests of the City. If the City Manager requires such bond or bonds, the form and amount of same shall be described in the notice inviting bids.

§ 3.06.120 SURPLUS SUPPLIES AND EQUIPMENT.

All using agencies shall submit to the Director of Finance, at such times and in such forms as he or she shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The Director of Finance shall have authority to sell, exchange for or trade in on new supplies and equipment all supplies and equipment which cannot be used by any agency or which have become unsuitable for City use.

CHAPTER 3.07 CONTRACTS FOR CONSULTING AND PROFESSIONAL SERVICES

3.07.010 Purpose

3.07.020 Consulting contracts of \$50,000 or less

3.07.030 Consulting contracts over \$50,000

3.07.040 Contracting procedures for architectural, engineering and other construction related services

3.07.050 Discretionary process

§ 3.07.010 PURPOSE.

The City Council finds and declares that the competitive bid process is ill-suited for the selection of consultants and professional services. Consultants are required for professional or technical expertise and for matters requiring specialized abilities or a high degree of skill. Their numbers in relation to a particular skill or expertise required are comparatively limited. Where consultants are involved, the bidding process is not likely to result in a lower price to the City or eliminate unnecessary expense or delay. Consultant contracts include any contract that is not a Public Project or a contract for the purchase of supplies and equipment. Regardless of the method of contracting used as set forth in this chapter, such contract shall be assigned a contract number by the City Clerk for filing and tracking purposes.

§ 3.07.020 CONSULTING CONTRACTS OF \$50,000 OR LESS.

The City Manager, or his or her designee, shall be empowered to engage a consultant (including, but not limited to, material testing service, construction inspection services, testing, appraising, environmental, planning, financial, legal, development processing, governmental operations, special studies, and other services related thereto) without the necessity of competitive bid, without notice of competitive bid, and without City Council approval of the consultant's contract if the consultant's total fee for services and materials under the contract by which the consultant is engaged is fifty thousand dollars (\$50,000.00) or less. The consultant's total fee must include all reasonably foreseeable costs and work under the proposed contract. The proposed contract must include any reasonably related work on the same project, and larger contracts shall not be divided into smaller contracts, divided among multiple consultants, or divided by any other method intended to avoid competitive bidding under Section 3.07.030. The City Manager may designate a person or persons to exercise any authority granted to him or her by this Chapter 3.07.

§ 3.07.030 CONSULTING CONTRACTS OVER \$50,000.

A contract for consulting services valued over fifty thousand dollars (\$50,000.00) must be entered into by use of competitive sealed proposals. Proposals for the contract shall be solicited through a Request for Proposals.

(A) Public Notice. Public notice of the Request for Proposals shall be given in the same manner as provided in Section 3.06.110(A) (Formal Contract Procedure, Notice inviting bids).

(B) Receipt of Proposals and Release as Public Records. Proposals shall be received and opened in a method that avoids disclosure of contents to competing consultants until after award of the contract or final rejection of all proposals. The Request for Proposals must state that after award of the contract or final rejection of all proposals, all responses become public records subject to disclosure. A copy of each proposal received shall be retained by the City Clerk as required by the City's document retention policies, and shall be open for public inspection after award of the contract or final rejection of all proposals.

(C) Evaluation Factors. The Request for Proposals shall state the relative importance of evaluation factors, including price.

(D) Evaluation of Proposals. After the due date for proposals, the City Manager or his/her designee shall evaluate the proposals and may contact any proposing consultant for clarification of a proposal, to solicit additional information, or for purposes of interviewing. The City Manager or his/her designee may choose to contact all, some, or none of the responding consultants after the proposals are submitted to the City.

(E) Award. The contract shall be awarded to the responsible consultant whose proposal conforms to the Request for Proposals and is determined to be the most advantageous to the City, taking into consideration the evaluation factors set forth in the Request for Proposals and price. The City Manager shall prepare and place in the contract file maintained by the City Clerk's office a written report detailing the basis on which the recommendation for award of contract is made. For contracts entered into pursuant to this section, the City Manager shall submit a report of the proposals to the City Council with a recommendation concerning acceptance or rejection thereof, and the City Council shall approve or disapprove the recommendation and award the contract.

§ 3.07.040 CONTRACTING PROCEDURES FOR ARCHITECTURAL, ENGINEERING AND OTHER CONSTRUCTION RELATED PROFESSIONAL SERVICES

(A) Authority. For the purpose of procuring the services of architectural, landscape architectural, engineering, environmental, land surveying services, construction project management, or other similar services, as defined by California Government Code Sections 4525 and 4526, the following selection procedures shall be

used.

(B) **Policy.** It is the policy of this City to negotiate contracts for architectural, landscape architectural, engineering, environmental, land surveying services, construction project management, or other similar services on the basis of demonstrated competence and qualification for the type of services required, and at fair and reasonable prices.

(C) **Selection Procedure.**

(1) **Statement of Qualifications.** Persons engaged in providing the types of professional services designated in Section 3.07.040 (A) may submit statements of qualifications and expressions of interest in providing such professional services. The City may specify a uniform format for statements of qualifications. Statements of qualifications may be project specific or may be for multiple projects which occur during a time period not exceeding one calendar year. Statements of qualifications shall be maintained by the City Clerk's office, consistent with the City's document retention policies.

(2) **Form of Request for Proposals.** The Request for Proposals shall describe the services required, list the types of information and data required of each consultant, list the evaluation factors and state the relative importance of identified qualifications.

(3) **Public Notice.** Public notice of the Request for Proposals shall be given in the same manner as provided in Section 3.06.110(A) (Formal Contract Procedure, Notice inviting bids). A copy of the Request for Proposals also shall be provided to each consultant or firm that has a current statement of qualification on file with the City for work relevant to the Request for Proposals.

(4) **Receipt of Proposals.** Proposals shall be received and opened in a method that avoids disclosure of contents to competing consultants during the process of negotiation. A copy of each proposal received shall be retained by the City Clerk consistent with the City's document retention policies, and shall be open for public inspection after award of the contract or final rejection of all proposals.

(5) **Evaluation of Proposals.** The City Manager or his/her designee shall evaluate the proposals based upon the evaluation factors set forth in the Request for Proposals. The City Manager or his/her designee may contact some, all or none of the responding consultants for clarification, additional information or interviews to assist in the ranking of the proposals

(6) Negotiation and Award of Contract.

(a) The City Manager shall negotiate a contract with the best qualified consultant for architectural, landscape architectural, engineering, environmental, land surveying services, construction project management, or other similar services at compensation which the City Manager determines is fair and reasonable to the City.

(b) If the City Manager is unable to negotiate a satisfactory contract with the consultant considered to be the most qualified, at a price determined to be fair and reasonable to the City, negotiations with that consultant shall be terminated in writing. The City Manager shall then undertake negotiations with the second most qualified firm. If the City Manager is unable to negotiate a satisfactory contract with the second most qualified firm, the City Manager shall terminate negotiations in writing and continue on in the same fashion with the next qualified firm until a satisfactory contract has been negotiated.

(c) If the City Manager is unable to negotiate a satisfactory contract with any of the selected firms, the City Manager shall select additional consultants in order of their competence and qualification and continue negotiations in accordance with this Chapter until an agreement is reached.

(7) Contract Approval.

(a) Contracts over \$50,000. For contracts greater than fifty thousand dollars (\$50,000.00), once the City Manager has negotiated a satisfactory contract with the best qualified consultant at compensation that the City Manager determines is fair and reasonable to the City, the City Manager shall submit a report of the proposals to the City Council with a recommendation concerning acceptance or rejection thereof, and the City Council shall approve or disapprove the recommendation and award the contract.

(b) Contracts \$50,000 or less. For contracts of fifty thousand dollars or less (\$50,000.00) once the City Manager has negotiated a satisfactory contract with the best qualified consultant at compensation that the City Manager determines is fair and reasonable to the City, the City Manager shall award the contract in accordance with Section 3.07.020.

(9) Amendments after Award. In instances where the City effects a necessary change in the project during the course of performance of the

contract, the consultant's compensation may be adjusted by mutual written agreement in a reasonable amount. The reasonable amount shall reflect and compensate the consultant for the amount of work to be performed by the firm that is changed from the scope of work previously agreed to by both parties. The City Manager may approve one or more amendments to a consultant's compensation if the total amount of the amendments do not exceed 15% of the original amount of the contract, or \$50,000, whichever is lower. The City Council shall approve all other amendments to a consultant's compensation.

(D) Inapplicability to Technical Work. In accordance with California Government Code section 4529, this section shall not apply where the City Manager, or his or her designee, determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would not be in the public interest.

§ 3.07.050 DISCRETIONARY PROCESS.

Except where it would conflict with state law, the City Council or City Manager, as applicable, may dispense with any or all of this Chapter's procedures when they deem in their discretion it would be advantageous to the City to do so.

CHAPTER 3.08 BIDDING AND CONTRACTS FOR PUBLIC PROJECTS

3.08.060 Applicability of Chapter 3.06

3.08.070 Bidder's security

3.08.030 Contractor's bond

3.08.040 Insurance

3.08.050 Contract Retention

§ 3.08.060 APPLICABILITY OF CHAPTER 3.06

The procedure for the solicitation of bids and the awarding and execution of contracts for Public Projects shall be subject to and governed by the provisions of § 3.06.110 of this code when the estimated expenditure required exceeds the sum of \$50,000, and by the provisions of § 3.06.080 and 3.06.090 of this code when the estimated expenditure required does not exceed the sum of \$50,000.

§ 3.08.070 BIDDER'S SECURITY.

All notices inviting bids shall require that each bid be accompanied by Bidder's Security. Such Bidder's Security shall be governed by the procedures described in Section 3.06.110.

§ 3.08.030 CONTRACTOR'S BOND.

Every party to whom a contract for a Public Project is awarded involving an expenditure in excess of \$5,000 shall, before commencing work on any such Public Project, furnish the City with and file in the office of the City Clerk a bond, or bonds, in form satisfactory to the City, in the sum of 100% of the contract price thereof conditioned upon the faithful performance of the contract and upon the payment of all labor and material furnished in connection with the contract, in lieu of such bond, or bonds, cash or its equivalent, as specified by the City, may be given to the office of the City Clerk for deposit with the Finance Department.

§ 3.08.040 INSURANCE.

All contracts for Public Projects shall require the contractor to furnish evidence in form satisfactory to the City that the contractor has taken out and has in force liability and worker's compensation insurance in such amounts and form as may be required by the City, in addition to any other insurance required by the City's Risk Manager.

§ 3.08.050 CONTRACT RETENTION.

No contract for a Public Project shall provide for or authorize or permit the payment of more than 90% of the contract price before the completion of the work done under the contract and acceptance thereof by the City and expiration of the stop notice claim period and resolution of any such claims filed therein.

SECTION 2. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. Effective Date. This ordinance shall take effect thirty (30) days after its passage by the City Council.

SECTION 4. Publication. The City Clerk shall cause this ordinance to be published or posted in accordance with Government Code section 36933.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2009.

Scott Farnam, Mayor

ATTEST:

Sheryll Schroeder, City Clerk

APPROVED AS TO FORM:

Julie Hayward Biggs, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, Sheryll Schroeder, City Clerk of the City of Wildomar, do hereby certify that the foregoing Ordinance No. 25 was duly adopted by the City Council of the City of Wildomar at a regular meeting, held on the ___ day of _____, 2009, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sheryll Schroeder, City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 3 C.
GENERAL BUSINESS ITEM
Meeting Date: April 22, 2009

TO: Honorable Mayor and City Council Members
FROM: Julie Hayward Biggs, City Attorney
SUBJECT: Digital Infrastructure and Video Competition Act of 2006 ordinance

STAFF REPORT

RECOMMENDATION:

That the City Council adopt the attached urgency ordinance regulating holders of state-issued video franchises.

BACKGROUND/ANALYSIS:

The Digital Infrastructure and Video Competition Act of 2006 (“DIVCA”) requires a local government to adopt an ordinance providing a schedule of penalties that apply when the holder of a state-issued video franchise materially breaches the customer service standards provided for in the law. Such an ordinance is a prerequisite for an entity to obtain a state-issued video franchise to operate within the City.

This ordinance provides a schedule of penalties that apply to material breaches of customer service standards. The penalties provided in the ordinance are the maximum penalties allowed for under DIVCA. The ordinance also provides supplemental procedural provisions pertaining to material breaches and assessment of penalties.

The attached ordinance is an urgency measure because Time Warner Cable and Verizon both currently operate under state-issued franchises within the City that were issued by the state prior to incorporation. The City needs to have the schedule of penalties in place as soon as possible to be in compliance with the requirements of DIVCA.

FISCAL IMPACTS:

Positive. Once this ordinance is adopted, the entities holding state video franchises within the City may commence paying the 5% franchise fee mandated by DIVCA to the City directly instead of to the County. This will save the City money by avoiding the administrative charges the County imposes on the City in handling City affairs in its first year of incorporation.

ALTERNATIVES:

1. Take no action
2. Provide staff with further direction and take action at a subsequent Council meeting.

Submitted by:

Approved by:

Julie Hayward Biggs
City Attorney

John Danielson
City Manager

ORDINANCE NO. 26

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR ADOPTING WILDOMAR MUNICIPAL CODE SECTIONS REGARDING CABLE FRANCHISE AND VIDEO SERVICE AND CONTINUING FRANCHISE FEES.

THE CITY COUNCIL OF THE CITY COUNCIL OF WILDOMAR DOES ORDAIN
AS FOLLOWS:

SECTION 1. CHAPTER 5.06: CABLE SYSTEM FRANCHISE is added to the
City of Wildomar Municipal Code to read as follows:

CHAPTER 5.06

Video Franchise Fees, Customer Service and Other Video-Related Matters

Sections

- 5.06.010 Regulation of Video Franchises and Definitions
- 5.06.020 State Video Franchise Fees
- 5.06.030 Audit Authority
- 5.06.040 Customer Service and Protection Standards
- 5.06.050 Material Breach of Customer Standards
- 5.06.060 Response to Notice of Breach
- 5.06.070 Request for Exemption from Breach
- 5.06.080 Penalties for Customer Service and Protection Standards
Violations
- 5.06.090 Appeal of Penalties for Customer Service and Protection
Standards Violations
- 5.06.100 City Response to State Video Franchise Applications

5.06.010. Regulation of Video Franchises and Definitions.

(a) Under Division 2.5 of the California Public Utilities Code ("CPUC"), the Digital Infrastructure and Video Competition Act of 2008, commencing at Section 5800, et seq. ("DIVCA"), the California Public Utilities Commission (PUC) has the exclusive authority to grant and administer state video franchises. The definitions contained in DIVCA apply to this Chapter.

(b) Notwithstanding, DIVCA confers certain rights and responsibilities on the City with respect to state video franchise holders ("SVFH") operating within the City under DIVCA, including but not limited to, receipt of fees for rent of right of ways in the form of a franchise fee and additional fees for support of public, educational, and governmental ("PEG") access channels. Both fees are based on a percentage of the gross revenues of state franchise holders. The City also hereby establishes and

enforces penalties for violations of customer service rules. The City retains authority, without change, over all City video franchisees until such time as they no longer hold a City franchise, or are no longer operating under a current City franchise. The City may modify, renew, extend or terminate existing City video franchises.

(c) The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

5.06.020. State Video Franchise Fees.

(a) Each SVFH, shall pay a fee to the City equal to five percent (5%) of that SVFH's gross revenue, as defined in GPM section 5660, pursuant to CPUC section 5840(q)(1). Failure to pay the fee in a timely manner will incur fines to the City as set out in that section.

(b) Such fees shall be payable as of July 1, 2008, the date of City's incorporation.

5.06.030. Audit Authority.

Not more than once annually, the City Manager or his/her designee may examine and perform an audit of an SVFH's records kept in the ordinary course of business, such as those commonly used and relied upon for accounting purposes or in preparation of financial statements or pro formas, to ensure compliance with this section. In the event that the audit discloses an underpayment of five percent (5%) or more, the SVFH shall pay for the audit. If the audit discloses that all fees have been paid, the City shall pay for the audit; otherwise, the cost shall be divided evenly between the parties.

5.06.040. Customer Service and Protection Standards.

(a) An SVFH shall comply with all applicable state and federal customer service and protection standards pertaining to the provision of video service. In addition, the SVFH shall prepare, adopt and annually review its own consumer standards regarding installation and service; telephone and office hours; billing procedures; termination of service; change in service; and complaint procedures. Each SVFH annually must distribute such standards to the City and to each customer.

(b) The City shall give the SVFH written notice of its failure to distribute such notice. If distribution does not occur within 60 days after receipt of the notice, the City may impose and collect a penalty of \$500 for each year in which the notice is not distributed after such notice.

5.06.050. Material Breach of Customer Standards.

Where the City manager determines that an SVFH has materially breached any provision of its own consumer standards or of state or federal law, including but not

limited to nonpayment of franchise fees, the City may provide written notice of the breach ("Notice of Breach") to the SVFH.

(a) A "Material Breach" is defined as an SVFH's substantial and repeated failure to comply with service quality and other standards of federal or state law or of its own consumer standards.

(b) Receipt of a Notice of Breach shall be deemed to have occurred either;

(1) Five (5) calendar days after the date on which the Notice of Breach was deposited to be mailed with the United States Postal Service or equivalent;

(2) Two (2) calendar days after the date the Notice of Breach was sent via facsimile or e-mail; or

(3) On the date an SVFH's designated representative was personally served the Notice of Breach,

5.06.060. Response to Notice of Breach.

An SVFH which has been issued a Notice of Breach shall either remedy the conduct described in the Notice of Breach ("Notice of Breach Conduct") to the satisfaction, and in the sole discretion of, the City Manager no later than thirty (30) calendar days from the date of receipt of the notice; or assert that the SVFH should be exempted from violation because the violation is out of its control.

If the SVFH asserts that the Notice of Breach Conduct is out of its reasonable control, then the SVFH shall submit a Request for Exemption From Breach. A Request for Exemption From Breach shall contain all of the following points in order to be considered by the City Manager: It shall be in writing; it shall describe in detail why the conduct was out of its reasonable control; it shall describe in detail the Notice of Breach Conduct, the reasons for its occurrence, all factors and/or influences asserted to be outside the SVFH's control thereby creating the conduct, and all facts precluding the SVFH's ability to remedy; and it shall include as attachments any and all supporting documentation which the SVFH wishes the City Manager to review. Only information so submitted shall be considered by the City Manager.

5.06.070. Request for Exemption from Breach.

Where the City Manager receives a Request for Exemption From Breach, City Manager shall review the Request for Exemption From Breach promptly; and shall render a final determination on the Request for Exemption From Breach. This final determination shall be in writing and shall include one of the following conclusions: (i) The Notice of Breach Conduct is outside the SVFH's control and is therefore Exempt or (ii) The Notice of Breach Conduct is within the SVFH's control and is therefore subject to the provisions of this Chapter. The City Manager's decision is final.

5.06.080. Penalties for Customer Service and Protection Standards Violations.

(a) Each SVFH that fails to remedy the Notice of Breach Conduct in violation of this Section ("Un-remedied Breach,") and/or that fails to obtain an exemption determination shall pay a penalty to the City as set out here.

(b) Penalties for an SVFH's failure to remedy the Notice of Breach Conduct shall accrue daily as follows:

(1) Commencing on the first calendar day following expiration of the time to cure in through the date of remedy of the breach under Section; or

(2) Commencing on the first calendar day following receipt of denial of a Request for Exemption From Breach through the date of remedy of the breach.

(c) An SVFH shall pay a penalty for the un-remedied first Notice of Breach not to exceed a fine of \$500 for each calendar day, not to exceed \$1,500 for each occurrence of an Un-remedied Breach

(d) For a second Material Breach of a similar nature as the Notice of Breach for which a penalty was assessed, occurring within twelve (12) months from the date of the first Notice of Breach, whether remedied or not, an SVFH shall pay a penalty accruing not to exceed \$1,000 per calendar day, not to exceed \$3,000, for each occurrence of an Un-remedied Breach.

(d) For a third or further Material Breach, of a similar nature as the Notice of Breach for which a penalty was assessed, occurring within the same twelve (12) months of the date of the Notice of Breach, whether or not remedied an SVFH shall pay a penalty not to exceed \$2,500 per calendar day, not to exceed \$7,500 for each occurrence of an Un-remedied Breach.

5.06.090. Appeal of Penalties for Customer Service and Protection Standards Violations.

(a) An SVFH assessed a penalty under Section 5.06.080 may appeal the assessed penalty only by satisfying ail of the following: Submit to the City Manager a written appeal describing in detail the basis for the appeal; and file the appeal no later than sixty (60) calendar days from receipt of the notice of penalties; and

(b) Where the City Manager receives an appeal under this Section, the City Manager shall review the appeal promptly, render a final determination on the appeal, and provide a final written determination; and

(c) The City Manager's determination on the appeal shall be final. The penalty owing shall be a debt to the City that may be collected in any legally available manner.

5.06.100. City Response to State Video Franchise Applications.

(a) Applicants for state video franchises within the boundaries of the City of Wildomar shall concurrently provide complete copies to the City of any application or amendments to applications filed with the PUC. The applicant shall provide one complete copy to the City Clerk, and another complete copy to the City Manager.

(b) In its discretion, the City may provide any comments to the PUC on the application or amendments to the application.

SECTION 2. DECLARATION OF FACTS CONSTITUTING URGENCY. It is necessary that this ordinance take effect immediately in order to ensure that the City receives the franchise fees paid by SVFHs and to be in compliance with the state law requirement that the City have an ordinance in place providing a schedule of penalties for SVFHs who materially breach the customer service standards provided for by law. If this ordinance does not take effect immediately, it may result in the City not receiving franchise fees from SVFHs. Therefore, the City Council finds that this ordinance is necessary for the immediate preservation of the public peace, health, and safety, and declares that it shall take effect immediately upon its adoption as an urgency ordinance.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect immediately upon adoption.

SECTION 4. PUBLICATION. The City Clerk shall certify the passage of this ordinance and have it published or posted in accordance with Council Policy and state law, either in a daily newspaper of general circulation in the City of Wildomar or by posting for ten (10) days in three public places designated by the City Council.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2009.

Scott Farnam, Mayor

ATTEST:

Sheryll Schroeder, City Clerk

APPROVED AS TO FORM:

Julie Hayward Biggs, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, Sheryll Schroeder, City Clerk of the City of Wildomar, do hereby certify that the foregoing Ordinance No. 09-__ was duly adopted by the City Council of the City of Wildomar at a regular meeting, held on the __ day of _____, 2009, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sheryll Schroeder, City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 3 D.
GENERAL BUSINESS ITEM
Meeting Date: April 22, 2009

TO: Honorable Mayor and City Council Members
FROM: Julie Hayward Biggs, City Attorney
SUBJECT: Digital Infrastructure and Video Competition Act of 2006 ordinance

STAFF REPORT

RECOMMENDATION:

That the City Council introduce and conduct the first reading of the attached ordinance regulating holders of state-issued video franchises.

BACKGROUND/ANALYSIS:

The Digital Infrastructure and Video Competition Act of 2006 ("DIVCA") requires a local government to adopt an ordinance providing a schedule of penalties that apply when the holder of a state-issued video franchise materially breaches the customer service standards provided for in the law. Such an ordinance is a prerequisite for an entity to obtain a state-issued video franchise to operate within the City.

This ordinance provides a schedule of penalties that apply to material breaches of customer service standards. The penalties provided in the ordinance are the maximum penalties allowed for under DIVCA. The ordinance also provides supplemental procedural provisions pertaining to material breaches and assessment of penalties.

The attached ordinance is a regular ordinance that is a companion to an identical urgency ordinance. The urgency ordinance will take effect immediately. It is recommended that the City Council adopt this regular ordinance as a back-up to the urgency ordinance. This ordinance will supersede the urgency ordinance once it takes effect thirty (30) days after its adoption by the City Council.

FISCAL IMPACTS:

Positive. Once this ordinance is adopted, the entities holding state video franchises within the City may commence paying the 5% franchise fee mandated by DIVCA to the City directly instead of to the County. This will save the City money by

avoiding the administrative charges the County imposes on the City in handling City affairs in its first year of incorporation.

ALTERNATIVES:

1. Take no action
2. Provide staff with further direction and take action at a subsequent Council meeting.

Submitted by:

Approved by:

Julie Hayward Biggs
City Attorney

John Danielson
City Manager

ORDINANCE NO. 27

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF WILDOMAR ADOPTING WILDOMAR MUNICIPAL
CODE SECTIONS REGARDING CABLE FRANCHISE AND
VIDEO SERVICE AND CONTINUING FRANCHISE FEES.**

THE CITY COUNCIL OF THE CITY COUNCIL OF WILDOMAR DOES ORDAIN
AS FOLLOWS:

SECTION 1. CHAPTER 5.06: CABLE SYSTEM FRANCHISE is added to the
City of Wildomar Municipal Code to read as follows:

CHAPTER 5.06

**Video Franchise Fees, Customer Service and
Other Video-Related Matters**

Sections

- 5.06.010 Regulation of Video Franchises and Definitions
- 5.06.020 State Video Franchise Fees
- 5.06.030 Audit Authority
- 5.06.040 Customer Service and Protection Standards
- 5.06.050 Material Breach of Customer Standards
- 5.06.060 Response to Notice of Breach
- 5.06.070 Request for Exemption from Breach
- 5.06.080 Penalties for Customer Service and Protection Standards
Violations
- 5.06.090 Appeal of Penalties for Customer Service and Protection
Standards Violations
- 5.06.100 City Response to State Video Franchise Applications

5.06.010. Regulation of Video Franchises and Definitions.

(a) Under Division 2.5 of the California Public Utilities Code ("CPUC"), the Digital Infrastructure and Video Competition Act of 2008, commencing at Section 5800, et seq. ("DIVCA"), the California Public Utilities Commission (PUC) has the exclusive authority to grant and administer state video franchises. The definitions contained in DIVCA apply to this Chapter.

(b) Notwithstanding, DIVCA confers certain rights and responsibilities on the City with respect to state video franchise holders ("SVFH") operating within the City under DIVCA, including but not limited to, receipt of fees for rent of right of ways in the form of a franchise fee and additional fees for support of public, educational, and governmental ("PEG") access channels. Both fees are based on a percentage of the gross revenues of state franchise holders. The City also hereby establishes and enforces penalties for violations of customer service rules. The City retains authority,

without change, over all City video franchisees until such time as they no longer hold a City franchise, or are no longer operating under a current City franchise. The City may modify, renew, extend or terminate existing City video franchises.

(c) The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

5.06.020. State Video Franchise Fees.

(a) Each SVFH, shall pay a fee to the City equal to five percent (5%) of that SVFH's gross revenue, as defined in GPM section 5660, pursuant to CPUC section 5840(q)(1). Failure to pay the fee in a timely manner will incur fines to the City as set out in that section.

(b) Such fees shall be payable as of July 1, 2008, the date of City's incorporation.

5.06.030. Audit Authority.

Not more than once annually, the City Manager or his/her designee may examine and perform an audit of an SVFH's records kept in the ordinary course of business, such as those commonly used and relied upon for accounting purposes or in preparation of financial statements or pro formas, to ensure compliance with this section. In the event that the audit discloses an underpayment of five percent (5%) or more, the SVFH shall pay for the audit. If the audit discloses that all fees have been paid, the City shall pay for the audit; otherwise, the cost shall be divided evenly between the parties.

5.06.040. Customer Service and Protection Standards.

(a) An SVFH shall comply with all applicable state and federal customer service and protection standards pertaining to the provision of video service. In addition, the SVFH shall prepare, adopt and annually review its own consumer standards regarding installation and service; telephone and office hours; billing procedures; termination of service; change in service; and complaint procedures. Each SVFH annually must distribute such standards to the City and to each customer.

(b) The City shall give the SVFH written notice of its failure to distribute such notice. If distribution does not occur within 60 days after receipt of the notice, the City may impose and collect a penalty of \$500 for each year in which the notice is not distributed after such notice.

5.06.050. Material Breach of Customer Standards.

Where the City manager determines that an SVFH has materially breached any provision of its own consumer standards or of state or federal law, including but not limited to nonpayment of franchise fees, the City may provide written notice of the

breach ("Notice of Breach") to the SVFH.

(a) A "Material Breach" is defined as an SVFH's substantial and repeated failure to comply with service quality and other standards of federal or state law or of its own consumer standards.

(b) Receipt of a Notice of Breach shall be deemed to have occurred either;

(1) Five (5) calendar days after the date on which the Notice of Breach was deposited to be mailed with the United States Postal Service or equivalent;

(2) Two (2) calendar days after the date the Notice of Breach was sent via facsimile or e-mail; or

(3) On the date an SVFH's designated representative was personally served the Notice of Breach,

5.06.060. Response to Notice of Breach.

An SVFH which has been issued a Notice of Breach shall either remedy the conduct described in the Notice of Breach ("Notice of Breach Conduct") to the satisfaction, and in the sole discretion of, the City Manager no later than thirty (30) calendar days from the date of receipt of the notice; or assert that the SVFH should be exempted from violation because the violation is out of its control.

If the SVFH asserts that the Notice of Breach Conduct is out of its reasonable control, then the SVFH shall submit a Request for Exemption From Breach. A Request for Exemption From Breach shall contain all of the following points in order to be considered by the City Manager: It shall be in writing; it shall describe in detail why the conduct was out of its reasonable control; it shall describe in detail the Notice of Breach Conduct, the reasons for its occurrence, all factors and/or influences asserted to be outside the SVFH's control thereby creating the conduct, and all facts precluding the SVFH's ability to remedy; and it shall include as attachments any and all supporting documentation which the SVFH wishes the City Manager to review. Only information so submitted shall be considered by the City Manager.

5.06.070. Request for Exemption from Breach.

Where the City Manager receives a Request for Exemption From Breach, City Manager shall review the Request for Exemption From Breach promptly; and shall render a final determination on the Request for Exemption From Breach. This final determination shall be in writing and shall include one of the following conclusions: (i) The Notice of Breach Conduct is outside the SVFH's control and is therefore Exempt or (ii) The Notice of Breach Conduct is within the SVFH's control and is therefore subject to the provisions of this Chapter. The City Manager's decision is final.

5.06.080. Penalties for Customer Service and Protection Standards Violations.

(a) Each SVFH that fails to remedy the Notice of Breach Conduct in violation of this Section ("Un-remedied Breach,") and/or that fails to obtain an exemption determination shall pay a penalty to the City as set out here.

(b) Penalties for an SVFH's failure to remedy the Notice of Breach Conduct shall accrue daily as follows:

(1) Commencing on the first calendar day following expiration of the time to cure in through the date of remedy of the breach under Section; or

(2) Commencing on the first calendar day following receipt of denial of a Request for Exemption From Breach through the date of remedy of the breach.

(c) An SVFH shall pay a penalty for the un-remedied first Notice of Breach not to exceed a fine of \$500 for each calendar day, not to exceed \$1,500 for each occurrence of an Un-remedied Breach

(d) For a second Material Breach of a similar nature as the Notice of Breach for which a penalty was assessed, occurring within twelve (12) months from the date of the first Notice of Breach, whether remedied or not, an SVFH shall pay a penalty accruing not to exceed \$1,000 per calendar day, not to exceed \$3,000, for each occurrence of an Un-remedied Breach.

(d) For a third or further Material Breach, of a similar nature as the Notice of Breach for which a penalty was assessed, occurring within the same twelve (12) months of the date of the Notice of Breach, whether or not remedied an SVFH shall pay a penalty not to exceed \$2,500 per calendar day, not to exceed \$7,500 for each occurrence of an Un-remedied Breach.

5.06.090. Appeal of Penalties for Customer Service and Protection Standards Violations.

(a) An SVFH assessed a penalty under Section 5.06.080 may appeal the assessed penalty only by satisfying ail of the following: Submit to the City Manager a written appeal describing in detail the basis for the appeal; and file the appeal no later than sixty (60) calendar days from receipt of the notice of penalties; and

(b) Where the City Manager receives an appeal under this Section, the City Manager shall review the appeal promptly, render a final determination on the appeal, and provide a final written determination; and

(c) The City Manager's determination on the appeal shall be final. The penalty owing shall be a debt to the City that may be collected in any legally available manner.

5.06.100. City Response to State Video Franchise Applications.

(a) Applicants for state video franchises within the boundaries of the City of Wildomar shall concurrently provide complete copies to the City of any application or amendments to applications filed with the PUC. The applicant shall provide one complete copy to the City Clerk, and another complete copy to the City Manager.

(b) In its discretion, the City may provide any comments to the PUC on the application or amendments to the application.

SECTION 2. SUPERSEDING CLAUSE. This ordinance shall supersede any conflicting or overlapping ordinance previously adopted by the City Council.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption by the City Council.

SECTION 4. PUBLICATION. The City Clerk shall cause this ordinance to be published or posted in accordance with Government Code section 36933.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2009.

Scott Farnam, Mayor

ATTEST:

Sheryll Schroeder, City Clerk

APPROVED AS TO FORM:

Julie Hayward Biggs, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, Sheryll Schroeder, City Clerk of the City of Wildomar, do hereby certify that the foregoing Ordinance No. 09-__ was duly adopted by the City Council of the City of Wildomar at a regular meeting, held on the ___ day of _____, 2009, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sheryll Schroeder, City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 3 E.
GENERAL BUSINESS ITEM
Meeting Date: April 22, 2009

TO: Mayor and Members of the City Council

FROM: Michael Kashiwagi, Development Services

SUBJECT: Adopt Operational Area Resolution, Operational Area Signatory Exhibit, Disaster Relief Ordinance, Disaster Service Worker Resolution, Nims Resolution, Nims Self Cert Letter, Master Mutual Aid Resolution

STAFF REPORT

RECOMMENDATION:

Adopt Operational Area (OA) Resolution and the Operational Area (OA) Signatory which supports the City of Wildomar's participation in the Operational Area Organization of the County of Riverside, and executes the exhibit as a signatory to the Riverside County Operational Area Agreement.

Adopt Disaster Relief Ordinance Which provides for preparation, direction, and coordination of plans, emergency organization and function of the city with all public agencies, corporations, and affected private persons; for the purposes of protection of persons and property within the city in the event of an emergency.

Adopt Disaster Service Worker Resolution relative to workers compensation benefits for registered volunteer Disaster Service Workers.

Adopt NIMS Resolution and Self Cert Letter supporting the integration and implementation of the National Incident Management System (NIMS) for effectively handling emergency situations.

Adopt Master Mutual Aid Resolution which allows for all of the resources and facilities of the State and all its political subdivisions, municipal corporations, and other public agencies be made available to prevent and combat the effect of disasters which may result from such calamities as flood, fire, earthquake, pestilence, war, sabotage, and riot.

BACKGROUND:

Under SEMS , the Operational Area refers to an intermediate level of the State's emergency services organization which encompasses the County and all political subdivisions located within the County, The County of Riverside OA manages and /or

coordinates information, resources, and priorities among local governments within the OA , and serves as the coordination and communication link between the local government level and the regional level. Wildomar's participation in this Operational Area Organization is made possible through the OA Resolution.

The Disaster Relief Ordinance provides for the creation of a Disaster Council and describes the powers and duties of the Disaster Council. The Ordinance further provides for the creation of the City's Emergency Plan, which shall provide for the mobilization of all resources of this city, both public and private, to meet any condition constituting a Local Emergency, State of Emergency, or State of War Emergency.

The California Emergency Management Agency has adopted rules and regulations establishing classes of disaster service workers, scope of duties, and manner of registration. The City of Wildomar Disaster Council agreeing to follow the rules and regulations and substantially complies with those rules and regulations shall be certified and become accredited. In order that Disaster Service Workers registered by the City of Wildomar that are injured may benefit by the provisions of the Labor Code.

The National Incident Management System (NIMS) Resolution and Self Cert letter provides for the integration and implementation of the NIMS for effectively handling emergency situations. NIMS was developed and administered by the Department of Homeland Security by a Presidential directive. NIMS provides a consistent nationwide approach for governmental agencies to work together more effectively and efficiently to recover from disasters.

Response to disaster incidents frequently exceed resource capabilities of a jurisdiction, when this occurs, mutual aid is provided by other agencies, local governments, and the State. Mutual aid is voluntary aid and assistance, California's statewide mutual aid system is designed to ensure adequate resources, facilities, and other support are provided to jurisdictions when ever their resources prove to be inadequate for a given situation.

FISCAL IMPACTS:

There is no fiscal impact to adopt, however in the event of a disaster, There may be staff and/or material/resource costs related to planning and coordination activities.

ALTERNATIVES:

1. Take no action
2. Provide staff with further direction.

Submitted by:

Michael Kashiwagi
Development Services

Approved by:

John Danielson
Interim City Manager

Attachments:

Ordinances

RESOLUTION NUMBER 09-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING THE AGREEMENT FOR PARTICIPATION IN THE OPERATIONAL AREA ORGANIZATION OF THE COUNTY OF RIVERSIDE

WHEREAS, the potential for a major catastrophe due to earthquake, flood or other natural or manmade disaster causes all governmental entities within Riverside County to be prepared to share resources and information among themselves as well as within the State of California to protect public welfare; and

WHEREAS greater efficiency, planning and response can be achieved by joining the efforts of the cities, special districts and the County together in pre-disaster agreements; and

WHEREAS the California Emergency Services Act makes reference to the "Operational Area" and defines it as "an intermediate level of the State Emergency Services Organization" created to perform extraordinary functions for both City and County governments within a county area such as strengthening mutual coordination, providing a focal point and conduit for disaster information and assisting in the efficient management of resources;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wildomar, California, agrees to participate in the Operational Area Organization of the County of Riverside, California.

ADOPTED, SIGNED and APPROVED this [REDACTED] day of [REDACTED], 2009.

Mayor, Scott Farnam

ATTEST:

City Clerk, Sheryll Schroeder

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF WILDOMAR)

I, Sheryll Schroeder, CITY CLERK OF THE CITY OF WILDOMAR, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number _____ was duly and regularly adopted by the City Council of the City of Wildomar at a regular meeting thereof held the _____ day of _____, 2009, and that it was so adopted by the following called vote:

YES:
NOES:
ABSENT:
ABSTAIN:

City Clerk, Sheryll Schroeder

COUNTY OF RIVERSIDE
OPERATIONAL AREA
SIGNATORY EXHIBIT

In accordance with the conditions contained within Article Ten of Riverside County Operational Area Agreement, the undersigned city hereby executes this exhibit as a signatory to the Riverside County Operational Area Agreement and agrees to be held to the terms therein.

Wildomar, a city within the County of Riverside, State of California

By: _____

Title: _____

ATTEST: _____
City Clerk

Date: _____

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



500

FROM: FIRE DEPARTMENT

SUBMITTAL DATE: June 8, 1995

SUBJECT: Operational Area Agreement Within Riverside County

RECOMMENDED MOTION: Approval of the Operational Area Agreement Within Riverside County

JUSTIFICATION: Recent changes in California law require political subdivisions of the State of California to adopt the Standardized Emergency Management System (SEMS) within their jurisdictions to qualify for the recovery of response costs during a declared State of Emergency. It also requires that all counties establish "Operational Areas" comprised of the county and all political subdivisions within the county. The county will serve as lead agency to the Operational Area Organization. (California Code of Regulations Title 19, Division 2, Section 2409.)

JUL 10 1995

BY *[Signature]*

J. M. HARRIS
County Fire Chief

FINANCIAL DATA: No effect.

CURRENT YEAR COST \$

ANNUAL COST \$

NET COUNTY COST \$

IN CURRENT YEAR BUDGET: YES/ NO/
BUDGET ADJUSTMENT: YES/ NO/ FOR FY:

SOURCE OF FUNDS:

C.A.O. RECOMMENDATION:

APPROVE.

Administrative Officer Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Cenicerros, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that Resolution 95-206 is adopted.

Ayes: Buster, Cenicerros and Wilson

Noes: None

Absent: Tavaglione and Mullen

Date: August 15, 1995

xc: Fire, Co.Co., Auditor

Gerald A. Maloney
Clerk of the Board

Deputy

Prev. Agn. ref.

Dist.

AGENDA NO.

3 1 1

2
3
4 | RESOLUTION NO. 95-206

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6 | A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
7 | COUNTY OF RIVERSIDE, CALIFORNIA, APPROVING THE
8 | AGREEMENT FOR PARTICIPATION IN THE OPERATIONAL AREA
9 | ORGANIZATION IN THE COUNTY OF RIVERSIDE

10 | WHEREAS the potential for a major catastrophe due to earthquake, flood
11 | or other natural or manmade disaster requires all governmental entities within Riverside
12 | County to be prepared to share resources and information among themselves as well as
13 | within the State of California to protect public welfare; and

14 | WHEREAS greater efficiency, planning and response can be achieved by
15 | joining the efforts of the cities, special districts and the County together in pre-disaster
16 | agreements; and

17 | WHEREAS the California Emergency Services Act makes reference to the
18 | "Operational Area" and defines it as "an intermediate level of the State Emergency Services
19 | Organization" created to perform extraordinary functions for both City and County
20 | governments within a county area such as strengthening mutual coordination, providing a
21 | focal point and conduit for disaster information and assisting in the efficient management
22 | of resources;

1 NOW, THEREFORE, BE IT RESOLVED in regular session assembled on
2 August 15, 1995, that the County of Riverside hereby adopts Resolution No. 95-206
3 agreeing to participate in the Operational Area Organization of the County of Riverside,
4 California.

5
6 Kay Cenicerros
7 Chairman, Board of Supervisors
Kay Cenicerros

8 ATTEST: Gerald A. Maloney
9 By Margi Tom, Deputy

10 Roll Call: Ayes: Buster, Cenicerros and Wilson
11 Noes: None
12 Absent: Tavaglione and Mullen

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18 The foregoing is certified to be a true copy of a
19 resolution duly adopted by said Board of Super-
20 visors on the date therein set forth.
GERALD A. MALONEY, Clerk of said Board
By Margi Tom Deputy

21
22
23
24
25
26
27 FORM APPROVED
COUNTY COUNSEL

JUL 10 1995

BY D. Blankenship

AUG 15 1995 3 11

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



507

FROM: FIRE DEPARTMENT

SUBMITTAL DATE: June 8, 1995

SUBJECT: Resolution Adopting the Standardized Emergency Management System within Riverside County

RECOMMENDED MOTION: Approval of Resolution Adopting the Standardized Emergency Management System within Riverside County

JUSTIFICATION: Recent changes in California law require political subdivisions of the State of California to adopt the Standardized Emergency Management System (SEMS) within their jurisdictions to qualify for the recovery of response costs during a declared State of Emergency. (California Code of Regulations Title 19, Division 2, Section 2401.)

J. M. HARRIS
County Fire Chief

JUL 10 1995

BY: *D. B. [Signature]*

FINANCIAL DATA: No effect.

CURRENT YEAR COST \$

NET COUNTY COST \$

ANNUAL COST \$

IN CURRENT YEAR BUDGET: YES/ NO/
BUDGET ADJUSTMENT: YES/ NO/ FOR FY:

SOURCE OF FUNDS:

C.A.O. RECOMMENDATION:

cc. ESD

APPROVE.

Administrative Officer Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Cenicerros, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and Resolution No. 95-205 is adopted.

Ayes: Buster, Cenicerros and Wilson

Noes: None

Absent: Tavaglione and Mullen

Date: August 15, 1995

xc: Fire, Co.Co.

Gerald A. Maloney

Clerk of the Board

By: *[Signature]*

Deputy

Prev. Agn. ref.

Dist.

AGENDA NO.

3 10

1 Board of Supervisors

County of Riverside

2
3 RESOLUTION NO. 95-205

4 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
5 COUNTY OF RIVERSIDE, CALIFORNIA, APPROVING
6 PARTICIPATION IN THE STANDARDIZED EMERGENCY MANAGEMENT
7 SYSTEM OF THE STATE OF CALIFORNIA

8 WHEREAS the Standardization of Emergency Incident Management is a prime
9 concern of all emergency management organizations; and

10 WHEREAS the County of Riverside recognizes that such a system can provide its
11 residents, through a cooperative effort of all emergency management organizations, a cost
12 effective emergency incident management system; and

13 WHEREAS the County further recognizes that the adoption and use of the
14 Standardized Emergency Management System will result in increased cooperation and
15 efficiency among the emergency management organizations in Riverside County;

16 NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the
17 County of Riverside in regular session assembled on August 15, 1995 that the
18 County by adopting this resolution hereby agrees to adopt and use the approved
19 Standardized Emergency Management System as defined in Government Code 8607.

20 *Kay Ceniceros*
21 Chairman, Board of Supervisors
22 KAY CENICEROS

23 AUG 15 1995

24 ATTEST: Gerald A. Maloney

25 By: *Gerald A. Maloney*, Deputy

26 Roll Call

Ayes: Buster, Ceniceros and Wilson
Noes: None
Absent: Tavaglione and Mullen

27 FORM APPROVED
28 COUNTY COUNSEL

AUG 15 1995

JUL 10 1995 3.10

The foregoing is certified to be a true copy of a
resolution duly adopted by said Board of Super-
visors on the date hereon set forth.
GERALD A. MALONEY, Deputy

BY: *D. B. Lamborn*

AGREEMENT FOR PARTICIPATION IN RIVERSIDE
OPERATIONAL AREA ORGANIZATION

This Agreement is made this 15th day of August, 1995, by and between the County of Riverside, hereinafter referred to as "COUNTY", and the cities of Banning, Beaumont, Blythe, Calimesa, Canyon Lake, Cathedral City, Coachella, Corona, Desert Hot Springs, Hemet, Indian Wells, Indio, Lake Elsinore, La Quinta, Moreno Valley, Murrieta, Norco, Palm Desert, Palm Springs, Perris, Rancho Mirage, Riverside, San Jacinto, and Temecula, hereinafter referred to as "CITIES", and the Idyllwild Fire Protection District.

RECITALS

WHEREAS, the potential for a major catastrophe due to earthquake, flood, or other natural or human caused disaster requires all governmental entities within Riverside County to be prepared to share resources and information among themselves as well as with the State of California in order to protect public welfare; and

WHEREAS, greater efficiency, planning, and response can be achieved by joining the efforts of the CITIES, special districts, and the COUNTY together in pre-disaster agreements; and

WHEREAS, The California Emergency Services Act makes reference to the "operational area" and defines it as "an intermediate level of the state emergency services organization, consisting of all political subdivisions within the county area" (Government Code § 8559(b)), created to perform extraordinary disaster related functions for both county and city governments within a county area such as strengthening mutual coordination, providing a focal point and conduit for training, disaster information, and assisting in the efficient management of resources; and

WHEREAS, the State of California has formally established the Standardized Emergency Management System (SEMS) (19 Cal. Code of Regulations § 2400 et seq.) as the required Emergency Management System to be utilized within the State of California and its political subdivisions, and that Operational Area Agreements be formulated within a county and its political subdivisions formally adopting the SEMS regulations;

THE PARTIES AGREE AS FOLLOWS:

1. RECOGNITION OF AND PARTICIPATION IN AN OPERATIONAL
AREA FOR EMERGENCY SERVICES

The parties to this Agreement recognize an Operational Area, as that term is defined in the California Emergency Services Act (Government Code Section 8550 et seq.) which designates an intermediate level of the organization, cooperation, and planning between public entities within Riverside County boundaries. Pursuant to the SEMS regulations, the County of Riverside shall serve as the lead agency within the Operational Area. The parties agree to participate in the organizational structure which is a planning partnership for a systematic approach for exchanging disaster intelligence and resource requests in order to foster effective flow of disaster information and resource requests in emergencies and also to provide emergency preparedness on a day-to-day basis through training and exercise activities. Each of the parties to this Agreement will designate individuals to be trained to staff the Operational Area Organization. Each party to this Agreement will also designate, in writing, a line of succession of officials who are empowered to speak on behalf of the party at the Operational Area Organization.

2. RECOGNITION OF AND ADOPTION OF THE STANDARDIZED
EMERGENCY MANAGEMENT SYSTEM

The parties to this Agreement recognize the Standardized Emergency Management System as defined in Title 19, California Code of Regulation § 2400 et seq. and formally adopt those regulations as a part of this Agreement.

3. EOC/OPERATIONAL AREA ACTIVATION

The operational area EOC shall be activated and SEMS used as described in the SEMS Organizational Levels when any of the following conditions exist:

(a) A local government within the operational area has activated its EOC and requested an activation of the operational area EOC to support their emergency operations.

(b) Two or more cities within the operational area have declared or proclaimed a local emergency.

(c) The county and one or more cities have declared or proclaimed a local emergency.

(d) A city or county has requested a governor's proclamation of a state of emergency, as defined in Government Code §8558(b).

(e) A state of emergency is proclaimed by the governor for the county or two or more cities within the operational area.

(f) The operational area is requesting resources from outside its boundaries, except those resources used in normal day-to-day operations which are obtained through existing agreements providing for the exchange for furnishing of certain types of facilities and services on a reimbursable, exchange, or other basis as provided for under the Master Mutual Aid Agreement.

4. CONSIDERATION

The consideration under this Agreement is the mutual advantage of protection afforded to each of the parties under the Agreement. There will not be any monetary compensation required from any party to another party.

5. AGREEMENT STEERING COMMITTEE

The Operational Area Agreement Steering Committee, established by Riverside County Ordinance 533.4, consists of the Riverside County Disaster Council jurisdictional representatives. Departmental agencies within the County of Riverside will have joint representation on this Committee by that single representative which is the Disaster Chair or his/her designee. Volunteer agencies having representation on the Disaster Council will be non-voting members of the Steering Committee. It will be the responsibility of the Steering Committee to set the policies and procedures for the governing of the Committee and the operation of the Operational Area. The Steering Committee shall approve the Operational Area Organizational structure. The COUNTY will supply staff support for the Committee.

6. MULTI-AGENCY COORDINATION SYSTEM

The parties agree that in the event of a disaster the affected jurisdictions and agencies will meet together in a coordinated effort to facilitate decisions for overall emergency response activities, including the sharing of resources and the prioritization of incidents. The chair for the meeting will be the Chair of the Riverside County Disaster Council and facilitated by the Riverside County Disaster Corps Commander. "Meeting" may include meetings via an electronic media deemed acceptable to the participants. The frequency of the meetings may vary depending on the nature and size of the emergency. A minimum of one meeting will be held during the emergency period.

7. PROVISION OF FACILITIES AND SUPPORT

The COUNTY shall provide an Emergency Operations Center (EOC) located in the basement of the County Administrative

Center, Riverside and an Emergency Operations Center located in the County Administrative Center at the Alternate Seat of Government in Indio. The COUNTY will provide EOC support staff and all necessary supplies for the Operational Area Organization during actual operations and drills. All parties to this Agreement shall, within their capabilities, provide staff for the decision making and operational positions of the Operational Area Organization.

8. TERM OF AGREEMENT

This Agreement shall be effective from the date executed by the parties. This Agreement may be terminated by mutual agreement of a majority of the member parties.

9. WITHDRAWAL OF PARTY

Any party to this Agreement may withdraw as a party to this Agreement upon giving 30 days prior written notice to the other parties.

10. ADDITIONAL PARTIES

Additional parties, who are public entities, including special districts, within the geographical boundaries of Riverside County, may join in this Agreement and become member entities upon execution of an Exhibit to this Agreement in which the entity agrees to be subject to the conditions and terms of this Agreement, provided that said agency or district is not provided representation by another means. The executed Exhibit shall become a part of this Agreement automatically after the expiration of thirty days following notification by the new party to all other parties, of the execution of the Exhibit. Thereafter, the entity shall be considered to be a party to this Agreement unless the entity withdraws as provided herein.

11. INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

No party to this agreement nor any officer or employee of such party shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by any other party under or in connection with any work, authority or jurisdiction delegated to said other party under this Agreement. It is also understood and agreed that pursuant to Government Code Section 895.4, each party ("Indemnifying Party") shall fully indemnify and hold every other party ("Indemnified Party") harmless from any liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of anything done or omitted to be done by Indemnifying Party under or in connection with any work, authority, or jurisdiction delegated to Indemnifying Party under this Agreement.

12. SALARIES, EMPLOYMENT AND WORKER'S COMPENSATION BENEFITS.

The salaries, employment and Worker's Compensation benefits of each employee participating in the Operational Area Organization shall be the responsibility of the party employing the individual.

IN WITNESS WHEREOF THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS FOLLOWS:

ATTEST:
Clerk of the Board of
Supervisors of the County
of Riverside, State of
California

COUNTY OF RIVERSIDE
a political subdivision of
the State of California

By: Gerald A. Maloney (SEAL)
Deputy Clerk

By: Kay Comisar
Chairman, Board of
Supervisors

APPROVED AS TO FORM:
(Name)
County Counsel

By: J. Blankenship
(Name)
Deputy County Counsel

ATTEST:

By: Mari A. Calderon

CITY OF BANNING

By: D. E. Smith
Title: Mayor

ATTEST:

By: Cherry N. Taylor

CITY OF BEAUMONT

By: Jan C. Lopez
Title: Mayor

ATTEST:

By: Manuel Luna

CITY OF BLYTHE

By: Kenneth Kahani
Title: Mayor

ATTEST:

By: Wanda Steadman

CITY OF CALIMESA

By: Pat Mulvaney
Title: City Manager

ATTEST:

By: K Bennett

CITY OF CANYON LAKE

By: [Signature]
Title: City Manager

ATTEST:

By: Donna M. Vilotta

CITY OF CATHEDRAL CITY

By: Diane Lee Berry
Title: Mayor

ATTEST:

By: Linda Hays
Deputy City Clerk

CITY OF COACHELLA

By: [Signature]
Title: City Manager

ATTEST:

By: Shirley A. Longfellow

CITY OF CORONA

By: W. H. [Signature]
Title: City Mayor

ATTEST:

By: Joyce [Signature]

CITY OF DESERT HOT SPRINGS

By: Jack R. Smith
Title: City Manager

ATTEST:

By: Ann [Signature]

CITY OF HEMET

By: Marge Jandy
Title: Mayor

ATTEST:

By: Joseph L. Hill

IDYLLWILD FIRE PROTECTION
DISTRICT

By: [Signature]

Title: Fire Chief

ATTEST:

By: Carole M. Johnson-Bodini

CITY OF INDIAN WELLS

By: [Signature]

Title: City Manager

ATTEST:

By: Karen Dodd

CITY OF INDIO

By: Tom Hunt

Title: Mayor

ATTEST:

By: Lidia Kasad

CITY OF LAKE ELSINORE

By: [Signature]

Title: City Manager

ATTEST:

By: [Signature]

CITY OF LA QUINTA

By: [Signature]

Title: City Manager

ATTEST:

By: [Signature]

CITY OF MORENO VALLEY

By: [Signature]

Title: Mayor

ATTEST:

By: A. Kay Vinson, City Clerk
September 5, 1995

CITY OF MURRIETA

By: [Signature]
Title: Mayor

ATTEST:

By: [Signature]
City Clerk

CITY OF NORCO

By: Terry A Wright
Title: Mayor

ATTEST:

By: [Signature]
Deputy City Clerk

CITY OF PALM DESERT

By: [Signature]
Title: Mayor

ATTEST:

By: [Signature]

CITY OF PALM SPRINGS

By: [Signature]

Title: ROB PATTON
City Manager A3501

ATTEST:

By: [Signature]

CITY OF PERRIS

By: [Signature]

Title: City Manager

ATTEST:

By: [Signature]

CITY OF RANCHO MIRAGE

By: [Signature]

Title: Mayor

ATTEST:

By: Karen E. Lundquist
City Clerk

CITY OF RIVERSIDE

By: John E. Holmes
Title: City Manager

ATTEST:

By: Jolene Shaw

CITY OF SAN JACINTO

By: Pamela Seaster
Title: City Manager

ATTEST:

By: James D. [Signature]
City Clerk

CITY OF TEMECULA

By: Ronald E. Bradley
Title: CITY MANAGER

ORDINANCE NO. 28
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AMENDING AND RESTATING WILDOMAR MUNICIPAL CODE CHAPTER 2.100 PROVIDING FOR THE ADMINISTRATION OF DISASTER OPERATION AND RELIEF IN THE CITY OF WILDOMAR

THE CITY COUNCIL OF THE CITY OF WILDOMAR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amendment to Chapter 2.100 of the Wildomar Municipal Code.
Chapter 2.100 of the Wildomar Municipal Code is hereby deleted and replaced in its entirety as set forth below:

Chapter 2.100

DISASTER RELIEF

Sections :

Section 2.100.010	Purposes
Section 2.100.020	Definitions
Section 2.100.030	Disaster Council Membership
Section 2.100.040	Disaster Council Powers and Duties
Section 2.100.050	Director and Assistant Director of Emergency Services
Section 2.100.060	Powers and Duties of the Director
Section 2.100.070	Emergency organization.
Section 2.100.080	Emergency Plan.
Section 2.100.090	Emergency Expenditures
Section 2.100.100	Punishment of Violations.

Section 1 PURPOSES

The declared purposes of this ordinance are to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons.

Section 2 DEFINITION

- A. As used in this ordinance, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities for this city, requiring the combined forces of other political subdivisions to combat, or with respect to regulated utilities, a sudden and severe energy shortage requiring extraordinary measures beyond the authority vested in the California Public Utilities Commission.

- B. The term “Local Emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requiring extraordinary measures beyond the authority vested in the California Public Utilities Commission.

- C. The term “State of Emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a State of War Emergency, which conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requiring extraordinary measures beyond the authority vested in the California Public Utilities Commission.

- D. D. The term “State of War Emergency” means the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.

Section 3 DISASTER COUNCIL MEMBERSHIP

The City of Wildomar Disaster Council is hereby created and shall consist of the following:

- A. The mayor, who shall be chair.

- B. The director of emergency services, City Manager who shall be vice chair¹.

- C. The assistant director of emergency services appointed by the City Manager

- D. The Public Works Director.

- E. Additional department directors, elected officials or technical advisors as designated by the Director of Emergency Services based upon the emergency.

- F. Such chiefs of emergency services as are provided for in a current emergency plan of this city, adopted pursuant to this ordinance³.

- G. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the city council.

Section 4 **DISASTER COUNCIL POWERS AND DUTIES**

It shall be the duty of the Wildomar Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the city council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the chair or, upon call of the vice chair (in the absence of the chair).

Section 5 **DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES**

- A. There is hereby created the Office of director of Emergency Services. The City Manager, shall be the director of emergency services¹.
- B. There is hereby created the office of assistant director of emergency services, who shall be appointed by the director.

Section 6 **POWERS AND DUTIES OF THE DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES**

- A. The director is hereby empowered to:
 - (1) Request the city council to proclaim the existence or threatened existence of a "local emergency" if the city council is in session, or to issue such proclamation if the City Council is not in session⁴. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect⁵.
 - (2) Request the Governor to proclaim a "State of Emergency" when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency⁶.
 - (3) Control and direct the effort of the city's emergency organization for the accomplishment of the purposes of this ordinance.
 - (4) Direct cooperation between and coordination of services and staff of the city's emergency organization; and resolve questions of authority and responsibility that may arise between them.
 - (5) Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

- (6) In the event of the proclamation of a "Local Emergency" as herein provided, the proclamation of a "state of emergency" by the Governor or the Secretary of California Emergency Management, or the existence of a "state of war emergency," the director is hereby empowered:
- (a) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council;
 - (b) To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the city for the fair value thereof and, if required immediately, to commandeer the same for public use. In so acquiring such property, the city waives no immunities and incurs no liabilities other than those at common law or those liabilities created by applicable state or federal law;
 - (c) To require emergency services of any city officer or employee and, in the event of the proclamation of a "state of emergency" in the county in which this city is located or the existence of a "state of war emergency," to command the aid of as many citizens of this community as deemed necessary in the execution of duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster services workers;
 - (d) To requisition necessary personnel or material of the city's departments or agencies; and
 - (e) To execute all ordinary power as City Manager all of the special powers conferred by this ordinance or by resolution or emergency plan pursuant hereto adopted by the city council, all powers conferred by any statute, by any agreement approved by the city council, and by any other lawful authority⁷.

B. The Director of Emergency Services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform duties during an emergency. Such order of succession shall be approved by the city council.

C. The Assistant Director shall, under the supervision of the Director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this city; and shall have such other powers and duties as may be assigned by the director.

Section 7

EMERGENCY ORGANIZATION

All officers and employees of this city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of SEC. 6.A. (6) (c) of this ordinance, be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the city of City of Wildomar⁸.

Section 8

EMERGENCY PLAN

The Wildomar Disaster Council shall be responsible for the development of the city's Emergency Plan, which plan shall provide for the effective mobilization of all of the resources of this city, both public and private, to meet any condition constituting a Local Emergency, State of Emergency, or State of War Emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the city council.

Section 9

EXPENDITURES

Any expenditure made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City of Wildomar⁹.

- A. In the case of an emergency, supplies, materials, equipment and services may be made without the benefit of the bidding requirements set forth herein when an item of supply, material, equipment and service, is immediately necessary for the continued operation of a department, or for the preservation of life or property, or when such purchase is required for the health, safety and welfare of the people, providing that there is a present, immediate and existing emergency.
- B. In the event of a public calamity such as an earthquake, major fire or national disaster, the Director shall have authority (up to \$100,000.00 thousand dollars) to make decisions regarding purchases which must be made to protect life and property. The Director of Finance shall maintain a detailed accounting of all expenditures related to the emergency and submit upon termination of such emergency, a detailed report to the City Manager who, in turn, will provide the report to the City Council.

Section 10

PUNISHMENT OF VIOLATIONS

It shall be a misdemeanor, punishable by a fine of not to exceed one thousand dollars (\$1,000), or by imprisonment for not to exceed six (6) months, or both, for any person, during an emergency, to:

- A. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him by virtue of this ordinance.
- B. Do any act forbidden by any lawful rule or regulation issued pursuant to this ordinance, if such act is of such a nature as to give or be likely to give assistance to the enemy or imperil the lives or property of inhabitants of this city, or to prevent, hinder, or delay the defense or protection thereof.
- C. Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State.

Section 11

REPEAL OF CONFLICTING ORDINANCES¹⁰

Section 12

EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage.

Section 13

SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

ADOPTED, SIGNED and *APPROVED* this _____ day of _____, 2009.

Mayor, Scott Farnam

ATTEST:

City Clerk, Sheryll Schroeder

ENDNOTES

¹In city manager or chief administrative officer cities, that officer should be named director of emergency services; where there is no city manager or chief administrative officer, or in strong mayor cities, the mayor should be named director.

In the latter case, subsection B of this section should be deleted and the following subsections should be relettered since, under SEC. 5.A. supra, the mayor would be appointed director of emergency services.

²In cities where the mayor is the director of emergency services (see footnote 1) this subsection would read as follows: “The assistant director of emergency services, who shall be vice chair.”

³See Sections 5 and 6, providing for the structure, duties, and functions of the emergency organization.

⁴See Emergency Proclamation section – Part One, State Emergency Plan.

⁵Note the provisions of Section 8630 of the California Emergency Services Act which require that the city council review, at least every fourteen days until a local emergency is terminated, the need for continuing the local emergency, and further require that the city council terminate the local emergency at the earliest possible date the conditions warrant.

⁶Section 8625 (b) of the California Emergency Services Act provides that such request is to be made, in the case of a city, by the mayor or chief executive.

⁷General law cities see Section 38791 of the Government Code, regarding authority to provide for a chief executive with special powers during emergencies.

⁸The State of California has provided workers’ compensation benefits for all registered volunteers of an accredited disaster council organization. Requirements for the accrediting of local disaster councils and for the manner in which volunteers must be registered in order to be protected by these workers’ compensation benefits are contained in rules and regulations of the California Emergency Management Agency adopted pursuant to Section 8585.5 of the California Emergency Services Act.

⁹See Section 53021 of the Government Code.

¹⁰Under the provisions of Section 8668 (a) of the California Emergency Services Act, existing civil defense and disaster ordinances will remain in full force and effect until revised, amended, or revoked; therefore the existing ordinances should be expressly repealed by number. In subsequent revisions of a city emergency services ordinance, the following proviso should be included in the repealing section in order to preserve existing rights and privileges:

“Provided, that it is the intent of the city council in enacting this ordinance that it shall be considered a revision and continuation of the ordinance repealed by this ordinance, and the status of volunteers shall not be affected by such repeal; nor shall plans and agreements, rules and regulations, or resolutions adopted pursuant to such repealed ordinance be affected by such repeal until amended, modified, or superseded as provided in this ordinance.”

RESOLUTION NO. 09-22

**RESOLUTION BY THE CITY COUNCIL FOR THE
CITY OF WILDOMAR
RELATIVE TO WORKERS' COMPENSATION BENEFITS FOR
REGISTERED VOLUNTEER "DISASTER SERVICE WORKERS"**

WHEREAS, Section 8585.5 of the Government Code provides:

"The California Emergency Management Agency shall establish by rule and regulation various classes of disaster service workers and the scope of the duties of each class. The California Emergency Management Agency shall also adopt rules and regulations prescribing the manner in which disaster services workers of each class are to be registered. All of the rules and regulations shall be designed to facilitate the payment of workers' compensation;" and

WHEREAS, the California Emergency Management Agency has adopted rules and regulations establishing classes of disaster service workers, the scope of duties of each class, and the manner of registration of such volunteer disaster service workers; and

WHEREAS, Section 8612 of the Government Code provides:

"Any disaster council which both agrees to follow the rules and regulations established by the California Emergency Management Agency pursuant to the provisions of Section 8585.5 and substantially complies with those rules and regulations shall be certified by the office. Upon that certification, and not before, the disaster council becomes an accredited disaster council;" and

WHEREAS, the City of Wildomar has registered and will hereafter register volunteer disaster service workers; and

WHEREAS, the City of Wildomar desires to become an "accredited disaster council" organization in order that injured disaster service workers registered with it may benefit by the provisions of Chapter 10 of Division 4 of Part 1 of the Labor Code;

NOW, THEREFORE, the City Council of the City of Wildomar hereby agrees to follow the rules and regulations established by the California Emergency Management Agency pursuant to the provisions of Section 8585.5 of the Government Code.

RESOLUTION NUMBER 09-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, SUPPORTING THE INTEGRATION AND IMPLEMENTATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) FOR EFFECTIVELY HANDLING EMERGENCY SITUATIONS

WHEREAS, the President in Homeland Security Directive- 5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System, which would provide a consistent nationwide approach for federal, state, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from disasters, regardless of cause, size, or complexity; and

WHEREAS, California pioneered the development of standardized incident management systems to respond to a variety of catastrophic disasters, including fires, earthquakes, floods, and landslides; and

WHEREAS, in the early 1970s, the California fire service, in partnership with the federal government, developed the seminal emergency incident command system that has become the model for incident management nationwide; and

WHEREAS, in 1993, California was the first state to adopt a statewide Standardized Emergency Management System for use by every emergency response organization, and implemented a system to ensure the continual improvement of the Standardized Emergency Management System; and

WHEREAS, California emergency management professionals have contributed their expertise to the development of the new National Incident Management System; and

WHEREAS, it is essential for responding to disasters that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the California Standardized Emergency Management System substantially meets the objectives of the National Incident Management System; and

WHEREAS, the National Commission on Terrorist Attacks (911Commission) recommended adoption of a standardized Incident Command System nationwide; and

WHEREAS, the Governor of the State of California has directed the Office of Emergency Services and Office of Homeland Security in cooperation with the Standardized Emergency Management System Advisory Board to develop a program to integrate the National Incident Management System, to the extent appropriate, into the state's emergency management system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wildomar, California, as follows:

Section 1. That the City Council of the City of Wildomar, will integrate the National Incident Management System, to the extent appropriate, into the City's emergency management system.

Section 2. That the City of Wildomar will utilize the National Incident Management System which shall be consistent with the integration of the National Incident Management System and the Standardized Emergency Management System in California.

Section 3. The City Clerk shall certify as to the adoption of this Resolution and forward a copy to the Governor's Office of Emergency Services.

ADOPTED, SIGNED and APPROVED this _____ day of _____, 2009.

Mayor, Scott Farnam

ATTEST:

City Clerk, Sheryll Schroeder

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF WILDOMAR)

I, Sheryll Schroeder, CITY CLERK OF THE CITY OF WILDOMAR, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number _____ was duly and regularly adopted by the City Council of the City of Wildomar at a regular meeting thereof held the _____ day of _____, 2009, and that it was so adopted by the following called vote:

YES:

NOES:

ABSENT:

ABSTAIN:

City Clerk, Sheryll Schroeder



John R. Hawkins
Fire Chief

RIVERSIDE COUNTY FIRE DEPARTMENT

In cooperation with the
California Department of Forestry and Fire Protection

210 West San Jacinto Avenue • Perris, California 92570 • (951) 940-6900 • Fax (951) 940-6910

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unincorporated
areas of Riverside
County and the
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San Jacinto
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Temecula
❖
Board of Supervisors
Bob Buster,
District 1
John Tavaglione,
District 2
Jeff Stone,
District 3
Roy Wilson,
District 4
Marion Ashley,
District 5

April 22, 2009

Mark Bassett, Regional Administrator
Governor's Office of Emergency Services
4671 Liberty Avenue
Los Alamitos, CA 90720-5158

RE: Riverside County – NIMS Self Certification Letter

Dear Mr. Bassett,

This letter will serve as Riverside County's National Incident Management System (NIMS) Self Certification Letter of Riverside County's NIMS compliance as directed by September 30, 2006.

Our compliancy with integrating NIMS and maintaining the Standardized Emergency Management System (SEMS) is based on requirements provided by the State of California. The following is a listing of those requirements, and current actions that Riverside County has taken as part of our implementation process.

- Adopt NIMS through executive order, proclamations, or resolution as the jurisdiction's official all-hazards, incident response system, while maintaining SEMS. *On February 28, 2006 the Board of Supervisors adopted Resolution No. 2006-051 approving the integration of NIMS into Riverside County's Emergency Management System.*
- Develop outreach efforts to associations, utilities, and private sector incident management and response organizations to encourage them to adopt NIMS. *By working through our Operational Area Planning Committee and geographic specific Comm groups, we have disseminated our Riverside County NIMS resolution as a template, and encouraged all entities to adopt same by September 30, 2006.*
- Revise and update plans and SOPs to incorporate NIMS components principles and policies, including training, response, exercises, equipment, evaluation and corrective action. *On February 28, 2006, the Board of Supervisors adopted Resolution 2006-052, the County's new NIMS compliant Emergency Operations Plan (EOP).*
- Develop a baseline assessment of NIMS requirements (by completing NIMCAST) that your jurisdiction already meets and using the baseline, develop a strategy for meeting full NIMS compliance. *Our County OES completed the NIMCAST document by working with our State OES representative in December 2005. That baseline study serves as the basis for the development of this Implementation Strategy.*

NIMS Self Certification Letter- continued- Page 2
September 2006

- Promote Intra-State and Interagency mutual aid agreements with the private sector and non-governmental organizations. Begin consideration of or complete agreements for assistance with private sector emergency response agencies. Begin consideration of or complete agreements for assistance with non-governmental organizations for emergency support. Begin the development of private sector vendor lists. *Our County OES staff met with the Building Industry Association (BIA) twice (November 2005, February 2006, August, 2006) and has begun the process of identifying technical specialists and equipment availability through that source. In addition, we are working to re-activate our County's business emergency preparedness association and have a kick off meeting set for October, 2006 in order to reconnect with the business community and develop relationships and agreements with them. Also, our area specific "Comm Groups" each work to identify locally available private sector resources via development and updating of their area specific Emergency Resource Directories.*
- Institutionalize within the framework of ICS, the Public Information System, comprising the Joint Information System (JIS) and a Joint Information Center (JIC) to ensure organized, integrated and coordinated dissemination of emergency information. *This is not a requirement for completion in FY '06; however, significant strides have been made in this area. County OES staff has met with CDF/County Fire PIO and USFS PIO staff to develop a JIC plan for the Mountain Area Safety Task Force (MAST) organization in anticipation of a July drill. This JIC plan will serve as a template for creating a more global plan. We are also working with a PIO/media group that our Community Health Agency started several years ago to get that group reactivated and use it as a means to disseminate training and information relative to the JIC requirements and have ongoing future meetings scheduled.*
- Incorporate NIMS/ICS into all State, (local and tribal) and regional training and exercises. Participate in an all-hazard exercise program based on NIMS that involves responders from multiple disciplines and multiple jurisdictions. *See Training Implementation Matrix, attached. All EOC personnel have been trained in a blended course which includes ICS 100, ICS 200, and IS 700. All entry level first responders are in the process of taking IS 700. We have also developed an online blended course so that all County employees can easily access this training. In addition, our County is in preparation for a multi-discipline, multi-jurisdictional exercise slated for November, 2006.*

Respectfully submitted,

Mary Moreland
Deputy Director
Riverside County Fire Department ~ Office of Emergency Services

Timetable for EOP review:

- Review Part 1 with ESC and make comments
- Send Part 1 comments to ESC for incorporation
- City to review revised Part 1 and review for accuracy
- Review Part 2 with ESC and make comments
- Send Part 2 to city department heads as you see appropriate for their concurrence (ask for a two week turn around on the review)
- Send Part 2 comments to ESC for incorporation
- Review revised Part 2 and review for accuracy
- If there are no changes, email ESC that information or provide final draft EOP and instruct ESC to conduct final review of Part 1 and 2 (~ one week turnaround)
- ESC will forward Part 1 and 2 of City EOP to State OES on behalf of the city with a cover letter asking State OES to review and concur with the plan (should take State OES no longer than 60 days to review)
- When State OES completes their review they will send a letter to City Emergency Manager/City ESC/OES stating that the plan is in compliance with the State EOP
- Add EOP adoption and NIMS resolution to upcoming Council/Commission Agenda
- The letter from State OES is what the city will use to present the EOP to the City Council/Public Safety Traffic Commission for adoption
- Final signed EOP sheets need to be scanned into EOP and then sent to STATE OES
 - Crosswalk
 - Resolution adopting the EOP
 - Final EOP with signatures
- Identify training needs for EOC staff and city staff
 - Entry Level
 - FEMA IS-700: NIMS, An Introduction
 - IS-100: Introduction to ICS or equivalent (Basic SEMS)
 - First Line, Single Resource, Field Supervisors
 - IS-700, IS-100 and IS-200: Basic ICS or its equivalent
 - Middle Management: Strike Team Leaders, Division Supervisors, EOC Staff, etc.
 - IS-700, IS-800 NRP, IS-100, IS-200 *and in FY07, IS-300*
 - Command and General Staff; Area, Emergency and EOC Managers
 - IS-700, IS-800, ICS-100, ICS-200 *and in FY07, IS-300 and IS-400*
- IS 100 – Basic Incident Command (SEMS training)
 - Online training
 - <http://oes.rvcfire.org/welcome.do>

- <http://training.fema.gov/EMIWeb/IS/is100.asp>
- IS 200 – Single Incident Resources and Initial Action Incidents – For supervisory positions
 - Online training
 - <http://training.fema.gov/EMIWeb/IS/is200.asp>
 - IS 700 – NIMS Introductory Course
 - Suggested for all EOC/field personnel
 - Online training
 - <http://training.fema.gov/emiweb/IS/is700.asp>
 - IS 800 - National Response Plan, An Introduction
 - Emergency Management professionals
 - Online training
 - <http://www.training.fema.gov/EMIWEB/IS/is800.asp>
- Keep records of all completed courses

RESOLUTION NO. 09-24

**RESOLUTION BY THE CITY COUNCIL FOR THE
CITY OF WILDOMAR AGREEING TO ABIDE BY THE CALIFORNIA AND
CIVIL DEFENSE MASTER MUTUAL AID AGREEMENT**

WHEREAS, EARL WARREN, Governor of the State of California, on the 15th day of November, 1950, executed the California Disaster and Civil Defense Master Mutual Aid Agreement on behalf of the State of California and all its Departments and Agencies;

NOW, THEREFORE, the City Council of the City of Wildomar does, by resolution, hereby approve and agree to abide by said California Disaster and Civil Defense Master Mutual Aid Agreement; and the City Clerk is hereby authorized and directed to send a certified copy of this resolution to the California Emergency Management Agency.

Adopted and approved _____,
(Date)

Mayor Scott Farnam

ATTEST:

City Clerk Sheryll Schroeder

Mail a certified copy to: California Emergency Management Agency
3650 Schriever Avenue
Mather, CA 95655

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 3 F.
GENERAL BUSINESS ITEM
Meeting Date: April 22, 2009

TO: Honorable Mayor and City Council Members
FROM: Julie Hayward Biggs, City Attorney
SUBJECT: Registered Sex Offender Residency Restrictions

STAFF REPORT

RECOMMENDATION:

That the City Council introduce and conduct the first reading of the attached ordinance imposing additional residency restrictions on registered sex offenders.

BACKGROUND/ANALYSIS:

On November 7, 2006, the voters of the State of California approved Proposition 83. The law was entitled the Sexual Predator Punishment and Control Act, and is commonly referred to as "Jessica's Law." Among other restrictions, Proposition 83 added subsection (b) to Penal Code section 3003.5, which states that registered sex offenders cannot live within 2,000 feet of any public or private school, or park where children regularly gather. Also added was subsection (c) to Penal Code section 3003.5, which allows local jurisdictions to enact local ordinances which further restrict those areas where a registered sex offender may live.

The scope and validity of the residency restriction contained in Penal Code section 3003.5(b) has been the subject of litigation, and litigation is still pending before the Supreme Court. In short, the courts have interpreted the residency restriction in Section 3003.5(b) as applying prospectively only. In other words, the residency restrictions do not apply to registered sex offenders who were convicted prior to the effective date of the law and who were paroled, given probation, or released from incarceration prior to the effective date of the law. (Doe v. Schwarzenegger, 476 F.Supp.2d 1178 (2007).) In addition, individuals who were convicted and required to register as sex offenders after the date Jessica's Law took effect may also be exempt from the residency restrictions if the jury in their case did not make specific findings supporting the imposition of the residency restriction. (People v. Mosley, 168 Cal.App.4th 512 (2008).) Though neither of these cases involved a residency restriction adopted by a local jurisdiction pursuant to Penal Code section 3003.5(c), the same principles will apply. Moreover, litigation is currently pending before the California Supreme Court involving the issue of whether the residency restrictions in Jessica's

Law may be applied to registered sex offenders whose offenses did not involve children. Also at issue in this case is whether the residency restrictions constitute cruel and unusual punishment. (In re E.J. on Habeas Corpus, S156933.)

That said, no court has overturned residency restrictions imposed by a local jurisdiction pursuant to Penal Code section 3003.5(c). In the absence of any such court ruling, the City has the authority to adopt the proposed Ordinance. The proposed Ordinance would prohibit registered sex offenders from living within a "Residential Exclusion Zone." Residential Exclusions Zones are those areas within 2,000 feet of a school, park, child care facility (including preschools, nursery schools, day cares and family home day cares) and youth centers. The ordinance calls for the City Council to approve by resolution a map showing the Residential Exclusion Zones. The proposed Residential Exclusion Zone map is attached to this staff report. A resolution formally adopting the map will be brought at the same time as the second reading of the proposed ordinance.

FISCAL IMPACTS:

None.

ALTERNATIVES:

1. Take no action
2. Provide staff with further direction and take action at a subsequent Council meeting.

Submitted by:

Approved by:

Julie Hayward Biggs
City Attorney

John Danielson
Interim City Manager

ORDINANCE NO. 29

**AN ORDINANCE OF THE CITY OF WILDOMAR, CALIFORNIA,
MAKING FINDINGS AND IMPOSING RESIDENCY
RESTRICTIONS ON REGISTERED SEX OFFENDERS**

THE CITY COUNCIL OF THE CITY OF WILDOMAR DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings

A. On November 7, 2006, the voters of the State of California approved Proposition 83. The law was entitled the Sexual Predator Punishment and Control Act, and is commonly referred to as "Jessica's Law." Among other restrictions, Proposition 83 added Penal Code section 3003.5(b), which states that registered sex offenders cannot live within 2,000 feet of any public or private school, or park where children regularly gather. Also added was subsection (c), which allows local jurisdictions to enact local ordinances which further restrict those areas where a registered sex offender may live.

B. On January 1, 2007, Proposition 83 went into effect. The intent of Proposition 83 was to better protect Californians, and in particular, the children of this State from sex offenders by imposing residency restrictions on such registered sex offenders.

C. Current law requires offenders convicted of specified felony or misdemeanor sex crimes to register with local law enforcement officials. There are approximately 90,000 registered sex offenders in California.

D. Current law bars parolees convicted of specified sex offenses against a child from residing within one-quarter or one-half mile (1,320 or 2,640 feet, respectively) of a school. The longer distance is for those parolees identified as high risk to reoffend by the California Department of Corrections and Rehabilitation ("CDCR"). Jessica's Law further prohibits sex offenders from residing within 2,000 feet of a public or private school, or park where children regularly gather.

E. The Wildomar Municipal Code does not otherwise address or regulate in any manner the restrictions on the residency of sex offenders in close proximity to schools or parks where children regularly gather.

F. Recently, several cities in the State of California have adopted ordinances restricting the residency of registered sex offenders. For example, the City of Long Beach passed an ordinance in 2008, to prohibit sex offenders from residing in a "residential exclusion zone," including those areas within 2,000 feet from the closest property line of a child care center, public or private school grades K through 12, or park.

G. These ordinances have been passed in response to an increased concern around the protection of children from sex offenders in schools and parks where

children regularly gather. The State of California currently places a high priority on maintaining public safety through a highly skilled and trained law enforcement, as well as laws that deter and punish criminal behavior. Californians have a right to know about the presence of sex offenders in their communities, near their schools, and around their children.

H. Sex offenders have very high recidivism rates. According to a 1998 report by the U.S. Department of Justice, sex offenders are the least likely to be cured and the most likely to reoffend, and they prey on the most innocent members of our society. More than two-thirds of the victims of rape and sexual assault are under the age of 18. Sex offenders have a dramatically higher recidivism rate for their crimes than any other type of violent felon.

I. California must also take additional steps to monitor sex offenders, to protect the public from them, and to provide adequate penalties for and safeguards against sex offenders, particularly those who prey on children. Additional resources are necessary to adequately monitor and supervise sexual predators and offenders.

J. Global Positioning System ("GPS") technology is an useful tool for monitoring sexual predators and other sex offenders and is a cost effective measure for parole supervision. It is critical to have close supervision of this class of criminals, to monitor these offenders and prevent them from committing other crimes. Jessica's Law requires lifetime GPS monitoring of felony registered sex offenders.

K. Currently, the scope of Jessica's Law is the subject of ongoing litigation. On October 4, 2007, four individuals filed petitions for writ of habeas corpus with the California Supreme Court.¹ The petitioners challenged the enforcement of the residency restrictions of Jessica's Law and argued that (a) the restrictions should not apply to them because the crimes for which they were required to be registered as sex offenders did not involve children, (b) the residency restrictions effectively zoned them out of their counties of residence, and (c) the law is unconstitutionally vague and imposes unreasonable conditions on parole. The Supreme Court issued a stay on the application of the residency restrictions to these four individuals while the case is pending. On October 15, 2007, the Supreme Court refused to apply the stay to other parolee registered sex offenders beyond the four petitioners. The Supreme Court denied the application without prejudice to the filing of an action for declaratory and injunctive relief in an appropriate superior court. The matter is still pending before the Supreme Court.

L. Based on the foregoing, the City Council finds that imposing additional restrictions on the residency of sex offenders would protect the public health, safety, and welfare. The City finds that an ordinance to restrict the residency of sex offenders is therefore necessary.

SECTION 2. Restrictions on Convicted Sex Offenders

¹ *In re E.J. on Habeas Corpus*, S156933.

A. In accordance with the authority granted the City of Wildomar under Proposition 83, and pursuant to the findings stated herein, from and after the effective date of this ordinance, registered sex offenders may not reside within a "Residential Exclusion Zone."

B. A "Residential Exclusion Zone" shall include those areas located within two thousand (2,000) feet of the closest property line of the subject property to the closest property line of a public or private school grades K through 12, a child care center, including but not limited to day care centers, family home day cares, nursery schools and preschools, a park, or a youth center. A youth center is any facility primarily dedicated to use by individuals under the age of 18 for recreational and sports purposes.

C. A Residential Exclusion Zone map shall be prepared by the City and adopted by resolution of the City Council. The Residential Exclusion Zone map may be amended by resolution of the City Council from time to time to assure that it reflects current conditions within the City.

SECTION 3. Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. Effective Date

This ordinance shall become effective 30 days after its enactment in accord with California law.

SECTION 5. Publication

The City Clerk shall certify to the adoption of this ordinance and cause it, or a summary of it, to be published once in a newspaper of general circulation printed and published within the City of Wildomar.

PASSED, APPROVED AND APPROVED this _____ day of _____, 2009.

Scott Farnam, Mayor

ATTEST:

Sheryll Schroeder, City Clerk

APPROVED AS TO FORM:

Julie Hayward Biggs, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, Sheryll Schroeder, City Clerk of the City of Wildomar, do hereby certify that the foregoing Ordinance No. 09-__ was duly adopted by the City Council of the City of Wildomar at a regular meeting, held on the ___ day of _____, 2009, by the following vote of the Council:

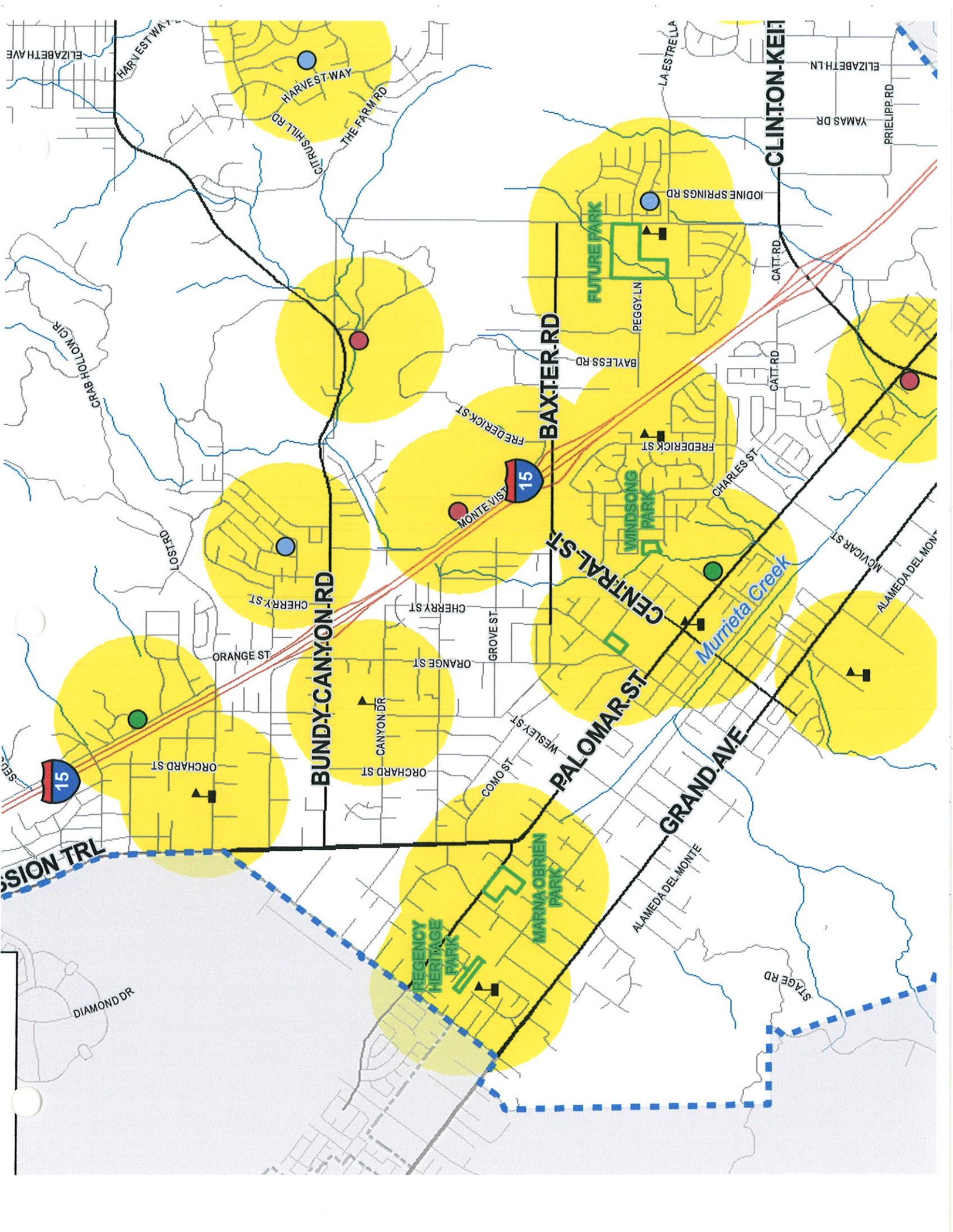
AYES:

NOES:

ABSTAIN:

ABSENT:

Sheryll Schroeder, City Clerk



CITY OF WILDOMAR – CITY COUNCIL
Agenda Item 3 G.
GENERAL BUSINESS ITEM
Meeting Date: April 22, 2009

TO: Mayor and Members of the City Council
FROM: Gary Nordquist, Director of Finance
SUBJECT: FY 2008/09 Mid-Year Budget Report and FY 2009/10 Budget Program Calendar.

STAFF REPORT

RECOMMENDATION:

Approve the recommended mid-year budget changes listed in the Mid-Year Budget Status Report for Fiscal Year 2008/09.

Approve the recommended Fiscal Year 2009/10 Budget Program Schedule.

BACKGROUND:

The Finance Department prepares quarterly 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.

DISCUSSION:

The City's initial budget was based on the Comprehensive Fiscal Analysis (CFA) that was prepared April 30, 2007 and served as the fiscal basis for the City's incorporation. Since the City's July 1, 2008 incorporation, significant changes have occurred and budget adjustments are requested to reflect to actual activity needed to run the city. This first year budget is known as the "Transition Year" when the City decides which services it will directly provide and which services will continue to be provided by the County or contracted services. During this transition year, the budget is comprised of two major components the City and the County, based on the assumptions in the CFA. As the City has progressed during the transition year several significant changes have taken place.

The building development processing activity that was planned to be performed by the County, has been assumed by the City since incorporation, thus, the budgets are requested to be adjusted from the assumption of the county's performance of these tasks.

Secondly, the economy is significantly different than the assumptions that were included when developing the CFA in 2006/07. The continuing economic down turn has impacted the City's Sales Tax revenues as well as Property Tax and Development related revenues.

Finally, contributing to the challenge of budgeting for a new city is the concept of fitting 17 months worth of service and non-recurring start-up costs (\$399,782) into a budget based on a 12 month service model.

The concluding document of this report is the Recommend Calendar for the activities of the FY 2009/10 Budget Program.

ALTERNATIVES:

1. Take no action
2. Provide staff with further direction.

Submitted by:

Approved by:

Gary Nordquist
Finance Director

John Danielson
City Manager

Reviewed by:

Julie Hayward Biggs
City Attorney

City Of Wildomar
FY 2008/09 Mid-Year Report

Table Contents

Revenue and Expenditure Summary..... 2
Revenue Budget by Account..... 3
Revenue Adjustment Analysis..... 4
Expenditure Summary by Department..... 7
Expenditure Budget at Year End..... 8
Expenditure Budget Detail by Department..... 10
Expenditure Budget Detail for County Services... 19
Expenditure Detail by County Service..... 23
20 Questions for County Services..... 24
FY 2009/10 Budget Program Concepts..... 28
City of Wildomar FY 2009/10 Budget Calendar..... 29

City of Wildomar Mid Year Budget Report FY 2008/09

This report reviews the first six months of actual revenues and expenditures, projects the estimated financial activity for the remaining six months of the fiscal year and provides a listing of recommended budget changes to achieve the year end fiscal objectives. During this "Transition" year, recommendations include those for both the City and its partner the County of Riverside.

Summary Revenues and Expenditures... City and County

Table 1

City and County	Activity	July 1, 2008 Adopted Budget	Recommended Mid-Year Adjustments	Recommended Budget After Adjustments	Actuals at 12/31/2008	Actuals as a Percentage of Recommended Budget
General Fund						
	Revenues	\$ 12,279,947	\$ (1,768,832)	\$ 10,625,340	\$ 5,225,510	49%
	Expenditures	9,767,333	(9,927)	9,757,406	4,609,490	47%
Other Funds						
	Revenues	2,556,538	(35,529)	2,521,009	318,284	13%
	Expenditures	1,101,513	(346,513)	755,000	271,650	36%
Total of All Funds						
	Revenues	14,836,485	(1,804,361)	13,146,349	5,543,794	42%
	Expenditures	10,868,846	(356,440)	10,512,406	4,881,140	46%

Table 2

CITY OF WILDOMAR
Recommended Revenue Budget by Account
Mid Year FY 2008/09

GENERAL FUND	Account Name	City Actual thru 12/31		City Budget		County Actual thru 12/31		County Budget		TOTAL ACTUAL thru 12/31 08	Jan to June projection	Recommended Budget	Original BUDGET	Variance from Budget FAV/(UNFAV.) Recommended Adjustments
		A	B	C	D	E	F	G	H	I				
10 3100	1 Sales & Use Tax	\$ 58,400	\$ 924,818	\$ 262,030	\$ 346,806	\$ 320,430	\$ 433,600	\$ 754,030	\$ 1,271,624	\$ (517,594)				
10 3101	1 Sales & Use Tax - Triple Flip Loss		(231,205)			0	(130,000)	(130,000)	(231,205)	101,205				
10 3102	1 Property Tax in Lieu of Sales Tax				462,409	0		462,409	462,409					
	TOTAL SALES TAX	\$ 58,400	\$ 693,613	\$ 262,030	\$ 809,215	\$ 320,430	\$ 303,600	\$ 1,086,439	\$ 1,502,828	\$ (416,389)				
10 3105	1 Property Tax			\$ 1,823,290	\$ 3,714,262	1,823,290	1,823,290	3,646,580	3,714,262	(67,682)				
10 3110	1 Property Transfer Tax	56,846	184,908			56,846	68,154		184,908	(59,908)				
10 3116	1 Business License Registration	0				0	4,000	4,000	4,000	4,000				
10 3150	1 Motor Vehicle in Lieu Fees (AB 1602)	2,456,727	2,869,715			2,456,727	102,273	2,559,000	2,869,715	(310,715)				
10 3151	1 Off Highway Vehicle License Fees		920			0	900	900	920	(20)				
10 3152	1 County Augmentation	237,579	237,579			237,579	0	237,579	237,579					
10 3153	1 Traffic Congestion	0				0	0	0	0					
10 3200	1 Community Development Fees					0	1,100	1,100	595,792	(594,692)				
10 3210	1 Engineering/Building & Safety Fees	188				188	0	0	1,463,636	(1,463,636)				
10 3212	1 Building & Safety Fees	42,895				42,895	42,805	85,700	585,833	(85,700)				
10 3220	1 Franchise Fees					0	585,800	585,800	585,833	(33)				
10 3230	1 Animal Control Fees			8,937	183,026	8,937	19,963	28,900	183,026	(154,126)				
10 3240	1 Developer Revenue	242,498				242,498	247,502	490,000	208,428	490,000				
10 3250	1 Fines & Forfeitures	14,144		21,021	208,428	35,165	73,835	109,000	208,428	490,000				
10 3260	1 Interest Income					0	15,000	15,000	46,380	(31,380)				
10 3800	1 Misc. Revenues	955	68,965			955	945	1,900	68,965	(67,065)				
10 3890	1 Other Financing Sources		617,675			0	1,648,442	1,648,442	617,675	1,030,767				
	Transfer from Road Fund (\$11,718)													
	TOTAL GENERAL FUND	\$ 3,110,232	\$ 4,719,755	\$ 2,115,278	\$ 7,560,192	\$ 5,225,510	\$ 4,937,609	\$ 10,625,340	\$ 12,279,947	\$ (1,654,607)				
	GAS TAX STREET IMPROVEMENT FUND													
20 3130	1 Section 2105 Gas Tax Revenues	105,093	286,435			105,093	121,065	226,158	286,435	(60,277)				
20 3131	1 Section 2106 Gas Tax Revenues	64,108	173,792			64,108	73,861	137,969	173,792	(35,823)				
20 3132	1 Section 2107 Gas Tax Revenues	143,084	373,791			143,084	153,142	296,226	373,791	(77,565)				
20 3133	1 Section 2107.5 Gas Tax Revenues	6,000	6,000			6,000	0	6,000	6,000					
20 3153	1 Measure A Revenues		516,000			0	516,000	516,000	448,800	67,200				
20 3154	1 Proposition 42 (TCRF) Revenues		137,930			0	232,144	232,144	137,930	94,214				
20 3260	1 Interest Income		28,277			0	5,000	5,000	28,277	(23,277)				
20 3890	1 Other Financing Sources		1,101,513			0	1,101,513	1,101,513	1,101,513					
	TOTAL GAS TAX STREET IMPROVEMENT FUND	\$ 318,284	\$ 2,823,738	\$ -	\$ -	\$ 318,284	\$ 2,202,725	\$ 2,521,009	\$ 2,556,538	\$ (35,529)				
	Total	\$ 3,428,516	\$ 7,343,493	\$ 2,115,278	\$ 7,560,192	\$ 5,543,794	\$ 7,140,334	\$ 13,146,349	\$ 14,836,485	\$ (1,690,195)				

Key Revenue Adjustments: **General Fund \$1,654,607 reduction**

Sales Tax.... \$416,389 Net Reduction

The City's share of this reduction is \$331,613 or 47.2% of the original CFA Budget. The County's portion of this reduction of \$84,776 (11.5%). Both reductions can be attributed to the current downturn in the economy. Additionally, the City needs to conduct a review to verify that businesses within the City limits are forwarding their sales tax to the City of Wildomar credits and not other cities or county. The County's reduction is less due to their eligibility for property tax in lieu of sales tax from the prior year.

Property Transfer Tax.... \$59,908 (32.4%) Reduction

Due to the housing slow down, fewer properties are quickly turning over to new owners and the City's is projecting to receive less revenue than budgeted. This revenue source should also be reviewed to assure the city is receiving the tax revenues from housing within the city limits.

Motor Vehicle in Lieu Fees.... \$310,715 (11.8%) Reduction

A reduction in auto sales directly impacts this revenue source for the City. Although the State passed a measure to increase the tax for a limited time, that increase will only benefit the State and not the cities.

Community Development....\$595,732 Reduction

This County budget item represents a mixture of anticipated Planning Revenues (\$367,380), Code Enforcement revenues (\$112,906) and other minor activities. The Planning function has been picked up by the City and through the 2nd quarter, no revenues have been recorded by County Code Enforcement.

Engineering/Building & Safety Fees...\$1,463,636 Reduction

The City has been providing this service which was originally budgeted as a County activity. The City performs these services in the Building & Safety Fees and Developer Revenues accounts. This budget reduction removes the funding from the county and partially re-distributes it to the appropriate City accounts and reduces the budgeted activity due to the slowing economy.

Building & Safety Fees...\$85,700 Increase

The City received this budget transfer from the County account as the City has been providing this service...

Franchise Fees...\$585,800 Transfer

The City received this budget transfer from the County account as the City franchise agreements are being completed. This transfer amount of \$585,800 reduces the revenue credits that the County would have had to offset other County expenses during the transition year. While this immediately increases the City's revenues, it will impact the amount to repay the County over a multi-year period as planned in the CFA.

Animal Control Fees...\$154,126 Reduction

This County service is significantly below the CFA anticipated animal licensing revenue budget. As of the end of the 2nd quarter, the County Animal Control reported revenues of \$8,937 compared to a CFA budget of \$183,026. To date, the service has sold 577 licenses (mid-year) compared to a CFA budget based on the issuance of 5,107 annual licenses.

Developer Revenue...\$490,000 Increase

This budget amount increased the City's budget while decreasing the County budget as the City is performing these services. The transfer was not 100% as this activity was also reduced due to the current economic situation.

Fines and Forfeitures...\$99,428 Decrease

This County revenue budget was \$208,428 for various fines, other misc sources. This budget was based on a per capita formula using County history of 11 other cities. A reduction to this budget is based on the actual first 6 months of activity.

Interest Income...\$31,380 Decrease

This City revenue budget was decreased to reflect the reality of the current interest earning rates compared to the 4% rate that the CFA used for budget purposes.

Miscellaneous Revenues...\$67,065 Decrease

This City revenue budget was decreased to reflect the current six months of actual experience.

Other Financing Sources...\$1,030,767 Increase

This City revenue amount was increased to reflect the net impact of County revenues less expenditures for services provide in Wildomar that will be repaid by Wildomar over a multi-year period.



Expenditures:

Table 3

City of Wildomar
Mid-Year 2008/09 Report

Actual Costs and Adopted Budget at Year End.....Summary

by Account Classification within Department and Agency

	City Actual thru Dec. 2008		City Budget		County Actual thru Dec. 2008		County Budget		City and County			
									TOTAL ACTUAL Costs at 12/31/2009	July 1, 2008 Adopted Budget at Year End		
CITY COUNCIL	\$	74,104	\$	58,600	\$	-	\$	-	74,104	\$	58,600	
PLANNING COMMISSION		300		-		-		-	300		-	
CITY MANAGER		326,914		331,225		-		-	326,914		331,225	
CITY CLERK		50,712		126,960		-		-	50,712		126,960	
CITY ATTORNEY		208,517		207,500		-		-	208,517		207,500	
FINANCE		135,299		158,455		-		-	135,299		158,455	
COMMUNITY DEVELOPMENT		507,601		86,060		83,300		861,018	590,901		947,078	
ENGINEERING/PUBLIC WORKS		230,810		203,090		255,622		2,390,801	486,432		2,593,891	
PUBLIC SAFETY		-		-		2,862,901		6,027,562	2,862,901		6,027,562	
NON-DEPARTMENTAL		145,061		417,575		-		-	145,061		417,575	
Total Wildomar	\$	1,679,320	\$	1,589,465	\$	3,201,823	\$	9,279,381	\$	4,881,143	\$	10,868,846

Summary by Departments/Service

Table 4

City of Wildomar
Mid-Year 2008/09 Report

Estimated Budget at Year End.....Summary

Department and Agency

City and County	City	County	City and County	Percent Increase (Decrease) to Adopted Budget
July 1, 2008 Adopted Budget at Year End	Recommended Changes	Recommended Changes	Recommended Adjusted Budget for Year End	
CITY COUNCIL	\$ 58,600	\$ 51,400	\$ 110,000	87.71%
PLANNING COMMISSION	-	5,600	5,600	-
CITY MANAGER	331,225	206,275	537,500	62.28%
CITY CLERK	126,960	52,240	179,200	41.15%
CITY ATTORNEY	207,500	232,500	440,000	112.05%
FINANCE	158,455	174,045	332,500	109.84%
COMMUNITY DEVELOPMENT	947,078	1,399,940	1,511,000	59.54%
ENGINEERING/PUBLIC WORKS	2,593,891	773,910	1,227,000	-52.70%
PUBLIC SAFETY	6,027,562	-	5,867,031	-2.66%
NON-DEPARTMENTAL	417,575	(115,000)	302,575	-27.54%
Total	\$ 10,868,846	\$ 2,780,910	\$ (3,137,350)	-3.28%

Summary by Departments/Service

City of Wildomar
Mid-Year 2008/09 Report

Estimated Budget at Year End.....Summary

Department and Agency

<i>City</i>	<i>City</i>	<i>City</i>
July 1, 2008 Adopted Budget	Recommended Changes	Recommended Adjusted Budget

Summary by Departments/Service

CITY COUNCIL	\$ 58,600	\$ 51,400	\$ 110,000
PLANNING COMMISSION	-	5,600	5,600
CITY MANAGER	331,225	206,275	537,500
CITY CLERK	126,960	52,240	179,200
CITY ATTORNEY	207,500	232,500	440,000
FINANCE	158,455	174,045	332,500
COMMUNITY DEVELOPMENT	86,060	1,399,940	1,486,000
ENGINEERING/PUBLIC WORKS	203,090	773,910	977,000
PUBLIC SAFETY	-	-	-
NON-DEPARTMENTAL	417,575	(115,000)	302,575
Total Wildomar	\$ 1,589,465	\$ 2,780,910	\$ 4,370,375

Budget Changes by Organization and Account:

Table 6

City of Wildomar
Mid-Year 2008/09 Report

Estimated Budget at Year End.....Summary

by Account Classification within Department and Agency

		City		City		Recommend	
		Actual thru	City Budget	Percent of	Recommended	Change as a	
		Dec. 2008		Budget	Changes	Percent of	
				Expended		Original	
					Adjusted Budget	Budget	
10	411	8,108 \$	24,000	33.78%	(5,500) \$	18,500	-22.92%
10	411	20,999	9,600	218.74%	13,900	23,500	144.79%
TOTAL SALARY & BENEFITS		\$ 29,107	\$ 33,600	86.63%	8,400	42,000	25.00%
10	411	16,524 \$	10,000	165.24%	22,000	32,000	220.00%
10	411	28,474	15,000	189.82%	21,000	36,000	140.00%
TOTAL OPERATIONS & MAINTENANCE		\$ 44,998	\$ 25,000	179.99%	43,000	68,000	172.00%
TOTAL CITY COUNCIL		\$ 74,104	\$ 58,600	126.46%	51,400	110,000	87.71%

Change in budget due to realignment of Stipends, increases for benefits, travel and operating supplies.

Table 7

City of Wildomar
Mid-Year 2008/09 Report

Estimated Budget at Year End.....Summary

by Account Classification within Department and Agency

		<i>City</i>		<i>City</i>		Recommend	
		Actual thru Dec. 2008	City Budget	Percent of Budget Expended	Recommended Changes	Adjusted Budget	Change as a Percent of Original Budget
10	411 13 Stipends	300 \$	-	No Budget	4,500	4,500	No Budget
10	411 14 Benefits	0	-	No Budget	-	-	No Budget
	TOTAL SALARY & BENEFITS	<u>300 \$</u>	<u>-</u>	No Budget	<u>4,500</u>	<u>4,500</u>	No Budget
10	411 20 Travel/Meetings	0 \$	-	No Budget	500	500	No Budget
10	411 21 Supplies/Services	0	-	No Budget	600	600	No Budget
	TOTAL OPERATIONS & MAINTENANCE	<u>- \$</u>	<u>-</u>	No Budget	<u>1,100</u>	<u>1,100</u>	No Budget
	TOTAL PLANNING COMMISSION	<u>300 \$</u>	<u>-</u>	No Budget	<u>5,600</u>	<u>5,600</u>	No Budget

Change in budget due to Planning Commission meeting stipends for Commissioners, Supplies and Travel expenses.

Table 8

City of Wildomar
Mid-Year 2008/09 Report
Estimated Budget at Year End....Summary
by Account Classification within Department and Agency

		City		City		
	Actual thru Dec. 2008	City Budget	Percent of Budget Expended	Recommended Changes	Adjusted Budget	Recommend Change as a Percent of Original Budget
CITY MANAGER						
10 412 10 Salaries	\$	78,375	0.00%	(78,375)	-	-100.00%
10 412 14 Benefits		31,350	0.00%	(31,350)	-	-100.00%
TOTAL SALARY & BENEFITS	\$	<u>109,725</u>		<u>(109,725)</u>		<u>-100.00%</u>
10 412 20 Travel/Meetings	\$	5,000	214.75%	18,000	23,000	360.00%
10 412 21 Supplies/Services		15,000	245.72%	28,000	43,000	186.67%
10 412 23 Contractual Services		175,000	159.61%	270,000	445,000	154.29%
TOTAL OPERATIONS & MAINTENANCE	\$	<u>326,914</u>	<u>167.65%</u>	<u>316,000</u>	<u>511,000</u>	<u>162.05%</u>
10 412 52 Equipment	\$	26,500	0.00%	-	26,500	0.00%
TOTAL CAPITAL OUTLAY	\$	<u>26,500</u>	<u>0%</u>	<u>-</u>	<u>26,500</u>	<u>0.00%</u>
TOTAL CITY MANAGER	\$	<u>326,914</u>	<u>98.70%</u>	<u>206,275</u>	<u>537,500</u>	<u>62.28%</u>

Budget changes primarily due to realignment of budget from salaried position to contract position, addition of contract assistant city manager and community services activities. Pre-incorporation and start-up costs are estimated to be \$64,000.

Table 9

City of Wildomar
Mid-Year 2008/09 Report

Estimated Budget at Year End.....Summary

by Account Classification within Department and Agency

		City		City		Recommend
		Actual thru	City Budget	Percent of	Recommended	Change as a
		Dec. 2008		Budget	Changes	Percent of
				Expended		Original
					Adjusted Budget	Budget
10	413 10 Salaries	\$	47,700	0.00%	(47,700)	-100.00%
10	413 14 Benefits		19,080	0.00%	(19,080)	-100.00%
	TOTAL SALARY & BENEFITS	\$	66,780	0.00%	(66,780)	-100.00%
413	20 Travel/Meetings		1,000	0.00%	-	0.00%
10	413 23 Supplies/Services	\$	15,000	338.08%	13,600	90.67%
10	413 30 Elections		38,180	0.00%	(24,580)	-64.38%
10	413 ?? Contractual Services				136,000	No Budget
	TOTAL OPERATIONS & MAINTENANCE	\$	50,712	93.60%	125,020	230.75%
10	413 52 Equipment	\$	6,000	0.00%	(6,000)	-100.00%
	TOTAL CAPITAL OUTLAY	\$	6,000	0.00%	(6,000)	-100.00%
	TOTAL CITY CLERK	\$	50,712	39.94%	52,240	41.15%
					179,200	

Budget changes primarily due to realignment of budget from salaried position to contract position, software and codification systems. Starts up costs are estimated at \$25,000.

City of Wildomar
Mid-Year 2008/09 Report
Estimated Budget at Year End.....Summary
by Account Classification within Department and Agency

		City		City		
	Actual thru Dec. 2008	City Budget	Percent of Budget Expended	Recommended Changes	Adjusted Budget	Recommend Change as a Percent of Original Budget
CITY ATTORNEY						
10 414 23 Supplies/Services		\$ 2,500	0.00%	(2,500)	-	-100.00%
10 414 24 Reimbursable Expenses		5,000	0.00%	(5,000)	-	-100.00%
10 414 27 Legal Services	208,517	200,000	104.26%	240,000	440,000	120.00%
TOTAL OPERATIONS & MAINTENANCE	\$ 208,517	\$ 207,500	100.49%	232,500	440,000	112.05%
TOTAL CITY ATTORNEY	\$ 208,517	\$ 207,500	100.49%	232,500	440,000	112.05%

Pre-incorporation costs are estimated at \$47,000.

Estimated Budget at Year End.....Summary

by Account Classification within Department and Agency

		City		City		Recommend	
		Actual thru	City Budget	Percent of	Recommended	Change as a	
		Dec. 2008		Budget	Changes	Percent of	
				Expended		Original	
					Adjusted Budget	Budget	
10	420	20	\$	80,325	0.00%	(80,325)	-100.00%
10	420	14	\$	32,130	0.00%	(32,130)	-100.00%
TOTAL SALARY & BENEFITS			\$	112,455	0.00%	(112,455)	-100.00%
10	420	20	\$	2,500	226.09%	4,000	160.00%
10	420	21	\$	7,500	79.50%	4,500	60.00%
10	420	25	\$	30,000	412.28%	284,000	946.67%
TOTAL OPERATIONS & MAINTENANCE			\$	40,000	338.25%	292,500	731.25%
10	420	52	\$	6,000	0.00%	(6,000)	-100.00%
TOTAL CAPITAL OUTLAY			\$	6,000	0.00%	(6,000)	-100.00%
TOTAL FINANCE			\$	158,455	85.39%	174,045	109.84%
						332,500	

Budget changes due do realignment of salaried costs to contract services. Pre-incorporation and start up costs are estimated at \$25,000.

Table 12

City of Wildomar
Mid-Year 2008/09 Report
Estimated Budget at Year End.....Summary

by Account Classification within Department and Agency

		City		City		
	Actual thru Dec. 2008	City Budget	Percent of Budget Expended	Recommended Changes	Adjusted Budget	Recommend Change as a Percent of Original Budget
10 430 10 Salaries	\$	35,400	0.00%	(35,400)	-	-100.00%
10 430 14 Benefits		14,160	0.00%	(14,160)	-	-100.00%
TOTAL SALARY & BENEFITS	\$	49,560	0.00%	(49,560)	-	-100.00%
10 430 20 Travel/Meetings	\$	5,000	0.00%	(5,000)	-	-100.00%
10 430 21 Supplies/Services	7,786	10,000	77.86%	6,000	16,000	60.00%
10 430 25 Contractual Services	498,557	No Budget	No Budget	1,460,000	1,460,000	No Budget
TOTAL OPERATIONS & MAINTENANCE	\$	15,000	3375.62%	1,461,000	1,476,000	9740.00%
10 430 30 Equipment	1,258	21,500	5.85%	(11,500)	10,000	-53.49%
TOTAL CAPITAL OUTLAY	\$	21,500	5.85%	(11,500)	10,000	-53.49%
TOTAL COMMUNITY DEVELOPMENT	\$	86,060	589.82%	1,399,940	1,486,000	1626.70%

Changes primarily due to undertaking of development related services from County. Startup costs (transition) estimated at \$115,000.

Table 13

City of Wildomar
Mid-Year 2008/09 Report

Estimated Budget at Year End....Summary

by Account Classification within Department and Agency

		City		City				
		Actual thru Dec. 2008	City Budget	Percent of Budget Expended	Recommended Changes	Adjusted Budget	Recommend Change as a Percent of Original Budget	
10	450	10	Salaries	41,850	0.00%	(41,850)	-	-100.00%
10	450	14	Benefits	16,740	0.00%	(16,740)	-	-100.00%
TOTAL SALARY & BENEFITS		\$ -	\$ 58,590	0.00%	(58,590)	-	-	-100.00%
10	450	20	Travel/Meetings	2,500	0.00%	(2,500)	-	-100.00%
10	450	21	Supplies/Services	5,000	33.37%	-	5,000	0.00%
10	450	25	Contractual Services	1,668	No Budget	205,000	205,000	No Budget
20	450	25	Contractual Services - Road Maint.	142,669	No Budget	630,000	630,000	No Budget
10	450	26	AB939 & NPDES	86,473	0.00%	-	125,000	0.00%
TOTAL OPERATIONS & MAINTENANCE		\$ 230,810	\$ 132,500	174.20%	832,500	965,000	628.30%	
10	450	52	Equipment	12,000	0.00%	-	12,000	0.00%
TOTAL CAPITAL OUTLAY		\$ -	\$ 12,000	0.00%	-	12,000	0.00%	
TOTAL ENGINEERING/PUBLIC WORKS		\$ 230,810	\$ 203,090	113.65%	773,910	977,000	381.07%	

Changes primarily due to undertaking of development related services from County. Startup costs estimated at \$42,500.

City of Wildomar
Mid-Year 2008/09 Report

Estimated Budget at Year End....Summary

by Account Classification within Department and Agency

		City			City		
		Actual thru Dec. 2008	City Budget	Percent of Budget Expended	Recommended Changes	Adjusted Budget	Recommend Change as a Percent of Original Budget
NON-DEPARTMENTAL							
10	480	21 Utilities	4,067	No Budget	15,000	15,000	No Budget
10	480	25 Contractual Services	\$ 20,000	0.00%	(20,000)	-	-100.00%
10	480	228 LAFCO Fee	2,575	0.00%	-	2,575	0.00%
10	480	26 Insurance	28,358	30.66%	(42,500)	50,000	-45.95%
10	480	27 City Hall Lease & Operations	82,252	32.90%	(100,000)	150,000	-40.00%
10	480	29 Misc. Services/Supplies	22,685	113.43%	17,000	37,000	85.00%
		TOTAL OPERATIONS & MAINTENANCE	\$ 133,296	34.62%	(145,500)	239,575	-37.78%
10	480	31 Furniture & Fixtures	11,765	36.20%	30,500	63,000	93.85%
		TOTAL CAPITAL OUTLAY	\$ 11,765	36.20%	30,500	63,000	93.85%
		TOTAL NON-DEPARTMENTAL	\$ 145,061	34.74%	(115,000)	302,575	-27.54%
		Total All Departments/Co/Non-Dept	\$ 1,679,320	105.65%	\$ 2,780,910	\$ 4,370,375	174.96%

Budget changes due to reductions in estimate insurance costs and lease expense.

Estimated Budget at Year End.....Summary

Department and Agency

County	County	County
July 1, 2008 Adopted Budget at Year End	Recommended Changes	Recommended Adjusted Budget

Summary by Departments/Service

CITY COUNCIL	\$ -	\$ -	\$ -
PLANNING COMMISSION	-	-	-
CITY MANAGER	-	-	-
CITY CLERK	-	-	-
CITY ATTORNEY	-	-	-
FINANCE	-	-	-
COMMUNITY DEVELOPMENT	861,018	(836,018)	25,000
ENGINEERING/PUBLIC WORKS	2,390,801	(2,140,801)	250,000
PUBLIC SAFETY	6,027,562	(160,531)	5,867,031
NON-DEPARTMENTAL	-	-	-
Total	\$ 9,279,381	\$ (3,137,350)	\$ 6,142,031

Reductions to budget primarily due to the City taking over service tasks sooner than planned in the CFA.

Table 16

City of Wildomar
Mid-Year 2008/09 Report

Estimated Budget at Year End.....Summary

by Account Classification within Department and Agency

		Riverside County		Riverside County		Recommend
		Actual thru	County Budget	Percent of	Recommended	Change as a
		Dec. 2008		Budget	Changes	Percent of
				Expended	Adjusted Budget	Original
						Budget
		\$	-		-	No Budget
						No Budget
						No Budget
10 430	10 Salaries					No Budget
10 430	14 Benefits					No Budget
TOTAL SALARY & BENEFITS						No Budget
10 430	20 Travel/Meetings					No Budget
10 430	21 Supplies/Services	49,701	861,018	5.77%	(836,018)	No Budget
10 430	25 Contractual Services				25,000	-97.10%
TOTAL OPERATIONS & MAINTENANCE		\$ 49,701	\$ 861,018	5.77%	(836,018)	-97.10%
10 430	30 Equipment					-
TOTAL CAPITAL OUTLAY		\$	-			-
TOTAL COMMUNITY DEVELOPMENT		\$ 49,701	\$ 861,018	5.77%	(836,018)	-97.10%

Tasks moved to the City. Actual costs in excess are planned to be reassigned.

Table 17

City of Wildomar
Mid-Year 2008/09 Report

Estimated Budget at Year End.....Summary

by Account Classification within Department and Agency

		Riverside County		Riverside County		Riverside County	
		Actual thru Dec. 2008	County Budget	Percent of Budget Expended	Recommended Changes	Adjusted Budget	Recommend Change as a Percent of Original Budget
ENGINEERING/PUBLIC WORKS							
10 450	10 Salaries						
10 450	14 Benefits						
TOTAL SALARY & BENEFITS		\$	-				
10 450	20 Travel/Meetings						
10 450	21 Supplies/Services						
10 450	25 Contractual Services	70,360	1,289,288	5.46%	(1,164,288)	125,000	-90.30%
20 450	25 Contractual Services - Road Maint.	185,177	1,101,513	16.81%	(976,513)	125,000	-88.65%
10 450	26 AB939 & NPDES						
TOTAL OPERATIONS & MAINTENANCE		\$	2,390,801	10.69%	(2,140,801)	250,000	-89.54%
10 450	52 Equipment						
TOTAL CAPITAL OUTLAY		\$	-				
TOTAL ENGINEERING/PUBLIC WORKS		\$	2,390,801	10.69%	(2,140,801)	250,000	-89.54%

Tasks moved to the City.

City of Wildomar
Mid-Year 2008/09 Report

Estimated Budget at Year End.....Summary

by Account Classification within Department and Agency

		Riverside County		Riverside County		Recommend
		Actual thru	County Budget	Percent of	Recommended	Change as a
		Dec. 2008		Budget	Changes	Percent of
				Expended		Original
					Adjusted Budget	Budget
10	461	1,910,914	\$ 3,932,348	48.59%	3,932,348	0.00%
10	465	895,589	1,834,683	48.81%	1,834,683	0.00%
10	466	56,479	260,531	21.68%	(160,531)	-61.62%
Total Public Safety		\$ 2,862,983	\$ 6,027,562	47.50%	(160,531)	-2.66%
TOTAL PUBLIC SAFETY		\$ 2,862,983	\$ 6,027,562	47.50%	(160,531)	-2.66%

PUBLIC SAFETY

Budget reductions due to overstated Animal Control budget.

Table 19 Detail listing of Riverside County Actual by Department and 20 Questions regarding these Services and Costs

Preliminary Data per Riverside County Submittal		City of Wildomar Mid-Year Summary of Riverside County Services Expenditures and Revenues for the 6 Months Ended December 31, 2008					
		Expenditures			Revenues		
	Actuals at 12/31/2008	Annual Budget	% of Budget Expended	Actuals at 12/31/2008	Annual Budget	% of Budget Recieved	
	(a)	(b)	(c)	(d)	(e)	(f)	
1 General Fund							
2	\$ 18,232.90	\$ -	No Budget	\$ 1,823,289.98	\$ 3,714,262.00	49%	
3	\$ 56,479.06	260,531.00	22%	\$ 8,937.20	183,026.00	5%	
4 CHA - Environmental Health Vector Control/Waste	\$ 11,289.84	-	No Budget	-	-	No Budget	
5 EDA Graffiti Abatement	\$ 11,945.50	-	No Budget	-	-	No Budget	
6 Fire Department	\$ 895,589.44	1,834,683.00	49%	-	-	No Budget	
7 Sheriff	\$ 1,897,216.67	3,932,348.00	48%	21,021.00	208,428.00	10%	
8 Sheriff Misc Direct Charges	\$ 13,697.35	-	No Budget	-	-	No Budget	
9 TMLA - Administration	\$ 9,831.10	-	No Budget	-	-	No Budget	
10 TMLA - Building and Safety	\$ 5,693.07	1,289,288.00	0%	-	1,463,636.00	0%	
11 TMLA - Code Enforcement	\$ 33,599.34	-	Budget in Planning	-	-	Budget in Planning	
12 TMLA - Environmental Programs	\$ 367.50	-	No Budget	-	-	No Budget	
13 TMLA Planning	\$ 54,469.40	861,018.00	6%	\$ 262,030.00	595,792.00	0%	
14 CEO - Sales Tax	-	-	No Budget	-	346,806.00	76%	
15 EO - Transition Team	\$ 8,235.30	-	No Budget	-	462,409.00	0%	
16 In lieu Sales Tax (triple flip)	-	-	No Budget	-	585,833.00	0%	
17 Franchise Fees	-	-	No Budget	-	-	No Budget	
18 Contingency	-	-	No Budget	-	-	No Budget	
19							
20 Total General Fund	\$ 3,016,646.47	\$ 8,177,868.00	37%	\$ 2,115,278.18	\$ 7,560,192.00	28%	
21							
22							
23							
24							
25 Road Fund	\$ 185,177.00	1,101,513.00	17%	-	-	No Budget	
26 TMLA - Transportation							
27 Total County Assistance	\$ 3,201,823.47	\$ 9,279,381.00	35%	\$ 2,115,278.18	\$ 7,560,192.00	28%	
28							
29							
30							
31							
32							
33							

Page Net Exp vs. Rev	\$ 1,086,545.29
Per County Worksheet	\$ (1,086,545.29)
Cross Check Variance	\$ -

General Fund Net Repayment...Actual	\$ (901,368.29)	\$ 617,675.00	\$ (1.00)
General Fund Net Repayment...Budget	\$ 20	\$ (617,676.00)	\$ 617,675.00
Non-General Fund Net Repayment...Actual	\$ (185,177.00)		
Non-General Fund Net Repayment...Budget	\$ (1,101,513.00)	\$ 1,101,513.00	\$ -

**City of Wildomar
Mid Year 2008-09 Review**

Riverside County Invoice and Budget Questions.....20 Questions

Based on data from the County's "Preliminary Wildomar Cost 1st and 2nd Quarter" sheet, the attached "Mid-Year Summary of Riverside County Services" worksheet was created for further analysis.

1. Auditor Controller Annual Cost of \$18,232.00 (property tax administration):

What service is being provided? Administration of property tax payments, accounting

What is the basis of cost for service? One percent of tax revenue.

2. Auditor Controller Annual Revenue Budget of \$3,714,262.00 (property tax):

Should this be revised to \$3,646,579.95? Yes do to value reductions.

3. Animal Control Services Actual Costs of \$56,479.06:

What was the basis of the 1st quarter adjustment of \$6,297.00? Late reporting, invoicing.

4. Animal Control Services Actual Revenues of \$8,937.20:

The annual revenue budget for this service is \$183,026.00, should this amount be revised or are the actual revenues not reflective of the full past six months? CFA budget was based on over 5,000 animal licenses. Less than 1,000 have been issued.

5. CHA Environmental Health, Vector Control, Actual Costs of \$11, 289.84:

The CFA does not specifically identify the cost of this service in the budget and the County requests notification if they are to provide this service beyond the transition year or if the City decides to contract with another provider.

This needs to be addressed during the budget process. There is no control for this usage do to spills needing their expertise.

6. EDA Graffiti Abatement actual costs of \$11,945.50

The County's Economic Development Agency has the responsibility for provide this service. The CFA, under the Community Development section (page 35 of 48) discusses the City taking responsibility for the Economic Development and contracting the service with an outside firm. Under this interpretation of the CFA, graffiti abatement activity would be part of the existing Community Development budget.

What is the projection for the next 6 months? Same level as 1st six months.

Does this service ever collect any fines or repayment for services? No.

7. Fire Department Actual costs of \$895,589.44:

What was the adjustment of \$117,284.89? Late invoice closing.

Approximately 1/3 of the labor costs are overtime. Is this standard? Yes, but watch for the level of "unplanned" overtime.

What is the County's projection for the next 6 months? Less than the first 6 months due to budget cuts.

8 Fire Department Revenues \$0.00.

Although not budgeted in the CFA, does the Fire Department receive any revenue for annual/mandated inspections, fire permits etc that would be related to Wildomar activity? No.

9. Sheriff Actual Costs of \$1,897,216.67:

The second quarter costs of \$1,160,346.83 were 36% more than the 1st quarter costs of \$747,988.84. What is the source of this increase?

(FYI... The City of Lake Elsinore was surprised during the 1st quarter (July-September) with a significant adjustment (\$700K?) to their Sheriff costs of service. Efforts to avoid that situation need to be made early on in this contract for service.)

What is the projection for the next 6 months? Within budget, unless unusual events.

10. The Building and Safety Budgets, Expenditure and Revenue.

Has the County recorded any revenues? No. It is deposit based and not unique to Wildomar.

This budget needs to be revised given the current economic trends and the shift to the City performing these tasks.

What is the projection for the next 6 months?

11. Code Enforcement Actual Costs of \$33,599.34:

Does this include the 1st quarter costs and none were posted to the worksheet? Yes.

What is the Annual Budget projection?

12. TMLA Environmental Actual Costs of \$367.50:

There have been costs recorded for this activity in both quarters. What are these costs for? Wildomar activities.

What is the Annual Budget projection? Unknown.

13. TMLA Planning Actual Costs of \$54,469.40:

This amount includes \$16,148.24 of "Pre Incorporation" costs incurred during July 2007 to June 2008. Retro-reimbursements were not included in the CFA budget. The application of these costs should be addressed. Similar to the city's pre-incorporation cost that weren't budgeted.

What is the source of the remaining costs of \$38,321.16 as the City is taking over this task? Under review.

14. TMLA Planning Actual Revenues \$0.00:

Has the County received any revenues or deposits for Wildomar related services?

Deposit based fee system.

15. CEO, Actual Sales Tax Revenue of \$262,030:

What is the source of this revenue? 1st qtr sales tax as planned in the CFA.

Is this amount to be transferred to the City? No.

What is the Relationship to the \$462,409 budgeted under Property Tax in-lieu of Sales Tax? Won't know until June 2009 if this increases or decreases.

16. Transition Team Actual Costs of \$8,235.30:

This amount includes \$3,224.30 of "Transaction" costs that were not included in the CFA budgets. The application of these costs should be addressed. Same as City's rational for pre costs.

17. Property Tax In Lieu of Sales Tax, Actual revenues of \$0.00:

The budget for is revenue is \$462,409.00, what is the County's annual budget projection? See 15.

18. Franchise Fees, Actual Revenues \$0.00:

Has the County received any revenues for the \$585,833.00 budgeted item?

Is there a "timing" issue with the receipt of these revenues? Turned over to the City in the 2nd quarter (winter 2008/09)

What is the annual budget projection? Budget amount.

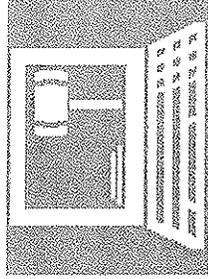
19. TMLA-Transportation Actual Costs of \$185,177.00:

Recent information from TMLA states the costs at \$184,413.00. Should the most recent amount be used as the costs for the mid-year report? Under review

Should the CFA budget amount of \$1,101,513.00 be revised to reflect the experienced amount of County activity? Under review.

A portion of the actual costs, \$52,519 is for LMD. Is there any offsetting revenue source for this cost? No.

20. Given this Preliminary data, the General Fund Net Repayment has grown from a budget of \$617,676.00 to \$901,368.29.
Further review of this change is encouraged.



City of Wildomar...Budget Development Guideline Concepts:

The Budget.....Legal Authorization to Spend Money.

Budget proposals should be reflective of the City's Vision Statement and City Councils Goals and Objectives.

The Budget should exhibit priorities established by the City Council.

Budget Development will adhere to the City Councils directive to Operate in a businesslike manner by:

- ...Cost justifying all contractual services**
-Invest in the utilization of new technologies and staff training**

Budgets will be prepared which adhere to a policy whose emphases:

- ...A fiscally balanced budget**
- ...Non-Recurring Revenues for Non- Recurring Expenses**
- ...An operationally Balanced Budget**
- ...Enhancement of Revenue**
- ...Established Adequate Reserves/Program**

**FY 2009/10
Budget Program Calendar of Events**

City of Wildomar
Operating Budget Calendar
FY 2009/10

Page 1 of 1

Task	2009																			
	April			May					June				July							
	25	2	9	16	23	30	6	13	20	27	4	11	18							
1 Budget Program Kick Off Meeting				▲															4/22	
2 Budget Development Guidelines issued																			▲	4/28
3 Develop Revenue Estimates																			▲	5/1
4 Meet with Departments to Review Input, Instructions.																			▲	5/4
5 Prepare Budget																			▲	5/4
6 Budget Meeting with CM and Department																			▲	5/21
7 Print Proposed Budget																			▲	5/26
8 Budget Public Hearing/Adoption																			▲	6/3
9 "Fiscal" New Year City Birthday Budget in Effect																			▲	6/24
																			▲	7/1