

CITY OF WILDOMAR CITY COUNCIL
AGENDA

7:00 P.M. - REGULAR MEETING

JULY 28, 2010
Council Chambers
23873 Clinton Keith Road



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

City Manager
Frank Oviedo

City Attorney
Julie Hayward Biggs

WILDOMAR CITY COUNCIL REGULAR MEETING AGENDA JULY 28, 2010

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; Mission Trail Library, 34303 Mission Trail Blvd.; and on the City's website, www.cityofwildomar.org. 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.

PUBLIC COMMENTS: Prior to the business portion of the agenda, the City Council will receive public comments regarding any items or matters within the jurisdiction of the governing body. The Mayor will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Comment Card" available at the Chamber door. The completed form is to be submitted to the City Clerk prior to an individual being heard. Lengthy testimony should be presented to the Council in writing (10 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 Council members, staff, or the public request the item be discussed and/or removed from the Consent Calendar for separate action.

PLEASE TURN ALL CELLULAR DEVICES TO VIBRATE OR OFF FOR THE DURATION OF THE MEETING. YOUR COOPERATION IS APPRECIATED.

CALL TO ORDER – 7:00 p.m.

ROLL CALL

MOMENT OF SILENCE

FLAG SALUTE

Baptist Boys Battalion

PRESENTATIONS

Thunder - Storm Baseball Mascot

Proclamation – Alia Kanani

Wildomar Community Council Presentation

Inspiring Alliance Program

Code Enforcement Monthly Update

PUBLIC COMMENTS

This is the time for citizens to comment on issues not listed on the agenda. Under the provisions of the Brown Act, the City Council is prohibited from discussing or taking action on items not listed on the agenda. Each speaker is asked to fill out a “Public Comments Card” (located on the table by the Chamber door) and give the card to the City Clerk prior to the start of the meeting. Comments are limited to three (3) minutes per speaker. The Council encourages citizens to address them so that questions and/or concerns can be heard.

APPROVAL OF THE AGENDA AS PRESENTED

1.0 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 discussion and/or separate action.

1.1 Reading of Ordinances

RECOMMENDATION: Approve the reading by title only of all ordinances.

1.2 Minutes – June 23, 2010 Regular Meeting

RECOMMENDATION: Approve the Minutes as submitted.

1.3 Minutes – July 14, 2010 Regular Meeting

RECOMMENDATION: Approve the Minutes as submitted.

1.4 Warrant Registers

RECOMMENDATION: That the City Council approve the following Warrant Registers:

1. Dated July 8, 2010 in the amount of \$27,038.00;
2. Dated July 12, 2010 in the amount of \$23,680.77; and
3. Dated July 16, 2010 in the amount of \$19,160.92.

1.5 Treasurer's Report

RECOMMENDATION: That the City Council approve the Treasurer's Report for June, 2010.

1.6 Investment Policy

RECOMMENDATION: That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING STATEMENT OF INVESTMENT POLICY

1.7 WRCOG Energy Leadership Partnership

RECOMMENDATION: That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, A RESOLUTION OF THE CITY COUNCIL OF THE CITY

OF WILDOMAR, CALIFORNIA, SUPPORTING, ENDORSING AND PARTICIPATING WITH THE SOUTHERN CALIFORNIA EDISON, WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS AND ITS PARTICIPATING MEMBER CITIES IN AN ENERGY LEADERSHIP PARTNERSHIP TO BE KNOWN AS "THE WESTERN RIVERSIDE ENERGY LEADERSHIP PARTNERSHIP"

- 1.8 Assignment and Assumption Agreement – Tract 31353 (D.R. Horton)**
RECOMMENDATION: Approve the Agreement and Authorize the Mayor to enter into the Agreement for Tract 31353.

2.0 PUBLIC HEARINGS

- 2.1 Landscape Maintenance District 2006-1**
RECOMMENDATION: That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR WILDOMAR LANDSCAPE MAINTENANCE DISTRICT (LMD) 2006-1 AND LEVYING ASSESSMENT ON ALL ASSESSABLE LOTS AND PARCEL OF LAND THEREIN FOR FISCAL YEAR 2010-11

- 2.2 Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zones 3, 29, 30, 42, 51, 52, 59, 62, 67, 71, and 90 and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, 73, and 88**
RECOMMENDATION: That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010-24

A RESOLUTION OF THE CITY OF WILDOMAR CONFIRMING THE DIAGRAM AND ASSESSMENT FOR ZONE 3, LOCATIONS 7, 23, 24, 25, 29, 35, 42, 43, 45, 47 AND 49; ZONE 29, LOCATION 2; ZONE 30, LOCATIONS 1 AND 2; ZONE 42, ZONE 51; ZONE 52; ZONE 59; ZONE 62; ZONE 67; ZONE 71; AND ZONE 90; AND STREET LIGHTING ZONE 18, STREET LIGHTING ZONE 26, STREET LIGHTING ZONE 27, STREET LIGHTING ZONE 35, STREET LIGHTING ZONE 50, STREET LIGHTING ZONE 70, STREET LIGHTING ZONE 71 STREET LIGHTING ZONE 73, AND STREET LIGHTING ZONE 88 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED (HEREINAFTER "L&LMD NO. 89-1-C") AND LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN FOR FISCAL YEAR 2010-11

3.0 GENERAL BUSINESS

3.1 Support of Proposition 22

RECOMMENDATION: That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, IN SUPPORT OF PROPOSITION 22, THE LOCAL TAXPAYER, PUBLIC SAFETY, AND TRANSPORTATION PROTECTION ACT OF 2010

3.2 Resolution Establishing Procedures for Submitting Ballot Arguments for City Measures Submitted at the November 2, 2010 General Municipal Election

RECOMMENDATION: That the City Council:

1. Determine whether the City Council or any individual member(s) of City Council will file an argument regarding the Measure on the November 2, 2010 ballot; and

2. Adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AUTHORIZING FILING OF A WRITTEN ARGUMENT REGARDING THE MEASURE TO BE PLACED ON THE BALLOT FOR THE NOVEMBER 2, 2010 GENERAL MUNICIPAL ELECTION

CITY MANAGER REPORT

CITY ATTORNEY REPORT

COUNCIL COMMUNICATIONS

FUTURE AGENDA ITEMS

ADJOURNMENT

2010 City Council Regular Meeting Schedule

August 11	October 27
August 25	November 10
September 8	November 24
September 22	December 8
October 13	December 22

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 that 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 phone at (951) 677-7751, no later than 10:00 A.M. on the day preceding the scheduled meeting.

POSTING STATEMENT: On July 23, 2010, by 5:00 p.m., a true and correct copy of this agenda was posted at the three designated posting locations:
Wildomar City Hall, 23873 Clinton Keith Road
U.S. Post Office, 21392 Palomar Street
Mission Trail Library, 34303 Mission Trail Blvd

**CITY OF WILDOMAR
CITY COUNCIL REGULAR COUNCIL MEETING MINUTES
JUNE 23, 2010**

The regular meeting of June 23, 2010, of the Wildomar City Council was called to order by Mayor Moore at 6:00 p.m.

Members in attendance: Mayor Moore, Mayor Pro Tem Swanson, Council Members Ade, and Farnam. Members absent: Council Member Cashman

CALL TO ORDER (CLOSED SESSION) - 6:00 P.M.

LITIGATION – One Matter

Government Code Section 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

County of Riverside v. Hayes, et al; Case #RIC 505588

The City Council will meet in closed session pursuant to the provisions of Government Code Section 54956.9(b) regarding matters of potential litigation:

APN 376-140-022 - owner of record Thomas and Elizabeth R. Plott

APN 380-110-045 - owner of record Wildomar Square Partners, LLC

APN 380-240-001 - owner of record CHOA Murrieta, LLC

APN 380-240-003 - owner of record Kim/Kwak

APN 380-240-007 - owner of record Richard S. Pavelec & Cissy Fisher, Trustees

APN 380-110-034 - owner of record Sierra Noble, Inc.

APN 380-240-008 - owner of record Archland Property II, LP

APN 380-240-023 - owner of record Tesoro Sierra Properties, LLC

At 7:00 p.m. the Council reconvened into open session, with all Council Members present, making the following announcement.

City Attorney Biggs stated, in the matter of County of Riverside vs. Hayes, et al, Case #RIC 505588, a settlement has been reached on motion of Council Member Farnam, second by Council Member Swanson, a vote of 4-0, with Council Member Cashman absent. There is no reportable action regarding the second closed session matter.

There being no further business, Mayor Moore declared the closed session portion of the agenda adjourned.

CALL TO ORDER – 7:00 p.m.

City Council Roll Call showed the following Members in attendance: Mayor Moore, Mayor Pro Tem Swanson, Council Members Ade, and Farnam. Members absent: Council Member Cashman.

Staff in attendance: City Manager Oviedo, Assistant City Manager Nordquist, City Attorney Biggs, Public Works Director Kashiwagi, Planning Director Hogan, Police Chief Cleary, Fire Chief Beach, and City Clerk Lee.

A moment of silence was observed and the flag salute was led by the Wildomar Young Marines.

PRESENTATIONS

The Radio Field Day event was presented.

Code Enforcement Officer Kowalski presented the Code Enforcement monthly update.

Mayor Moore presented certificates to the Wildomar Little League Cherry Bombers – District 28 TOC Champions.

Chris Sorensen presented the H.E.L.P. Homeownership Education Learning Plan program.

Mayor Moore presented a Proclamation to Cindy Quigley who will be retiring.

Mayor Moore presented a Proclamation to Brandon Cleary in celebration of attaining the Boy Scouts Eagle Scout.

Mayor Moore presented a Proclamation and plaque to Police Chief Joe Cleary thanking him for his service as Chief of Police of Wildomar.

City Manager Oviedo announced that Lt. Dave Fontneau will be promoted to Captain and become the new Chief of Police for Wildomar.

At 7:38 p.m. the City Council recessed.

At 7:50 p.m. the City Council reconvened into open session, with Council Member Cashman absent.

PUBLIC COMMENTS

Diane O'Malley, citizen, spoke regarding a code of ethics.

George Wasenius, Farm Mutual Water Company, thanked the Staff for approving their Olive Grove Reservoir. He is requesting that Building and Safety expedite the process as this project is an improvement to the City and the citizens. He also inquired how the Water Company can communicate with the City. He would like to work as one group.

Viet Tran, SCE Regional Manager, stated he is presenting the Edison State of the Utility. He then presented the handout given to the City Council.

APPROVAL OF THE AGENDA AS PRESENTED

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

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman. Motion carried.

1.0 CONSENT CALENDAR

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to approve the Consent Calendar as presented.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman. Motion carried.

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Warrant Registers

Approved the following Warrant Registers:

1. Dated June 9, 2010 in the amount of \$110,866.37; and
2. Dated June 17, 2010 in the amount of \$35,009.46.

1.3 Treasurer's Report

Approved the Treasurer's Report for the month of May, 2010.

2.0 PUBLIC HEARINGS

2.1 Establishing Code Enforcement Fees

City Clerk Lee presented the item.

Mayor Moore opened the Public Hearing.

A MOTION was made by Mayor Pro Tem Swanson, seconded by Council Member Ade, to continue the item to the meeting of July 14, 2010, at 7:00 p.m.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

2.2 Fiscal Year 2009/10 Fourth Quarter Budget Review

City Clerk Lee presented the item.

Mayor Moore opened the public hearing.

Assistant City Manager Nordquist presented the staff report.

A MOTION was made by Council Member Ade, seconded by Mayor Pro Tem Swanson, to approve the recommended budget changes listed in the Fourth Quarter Budget Status Report for Fiscal Year 2009/10.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

A MOTION was made by Council Member Ade, seconded by Council Member Farnam, to adopt a Resolution entitled:

RESOLUTION NO. 2010 - 26
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, RATIFYING THE PROVISIONAL
APPROPRIATIONS LIMIT FOR FISCAL YEAR 2009-10

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

2.3 Fiscal Year 2010/11 Budget (Continued from 06-09-10)

City Clerk Lee presented the item.

Mayor Moore opened the public hearing.

Assistant City Manager Nordquist presented the staff report.

Speakers:

Martha Bridges, resident, thanked Assistant City Manager Nordquist for producing a budget that was clear and concise. She then stated she has questions regarding the Gann Limit and would like to know what the dollar amount will be that will be on the November ballot.

There being no further speakers, Mayor Moore closed the public hearing.

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

RESOLUTION NO. 2010 - 27
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, ADOPTING THE PROPOSED CITY
OF WILDOMAR FISCAL YEAR 2010-11 OPERATING BUDGETS
AND THE CAPITAL IMPROVEMENT BUDGET, AS SPECIFIED IN
THE STAFF REPORT AND BUDGET DOCUMENTS

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

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

RESOLUTION NO. 2010 - 28
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, RATIFYING THE PROVISIONAL
APPROPRIATIONS LIMIT FOR FISCAL YEAR 2010-11

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

2.4 Measure A Five Year Expenditure Plan (Continued from 06-09-10)

City Clerk Lee presented the item.

Mayor Moore opened the public hearing.

City Engineer Kashiwagi presented the staff report.

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

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to adopt a Resolution entitled:

RESOLUTION NO. 2010 - 29
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, APPROVING THE FIVE-YEAR MEASURE A
EXPENDITURE PLAN FOR FISCAL YEARS 2010/11 THROUGH 2014/15

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

3.0 GENERAL BUSINESS

3.1 Resolution Calling a General Municipal Election

City Clerk Lee presented the item and presented the staff report.

Discussion ensued regarding the election.

City Attorney Biggs stated that the actual appropriations limit number is not what is stated in the staff report. The correct number is \$7,728,041.

Assistant City Manager Nordquist stated the auditor's have stated that the only numbers that can be used are the General Fund taxes, and not Gas Tax, etc.

Speakers:

Martha Bridges stated that she no longer wished to speak as her concern has been taken care of.

A MOTION was made by Council Member Farnam, seconded by Council

Member Ade, to adopt a Resolution, as amended, entitled:

RESOLUTION NO. 2010 – 30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO THE GANN LIMIT

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

3.2 Regulations Regarding Candidate Statements

City Clerk Lee presented the item and presented the staff report stating the question before the City Council is whether the City should pay for candidate statements, or if the candidate should pay.

It was the consensus of the City Council that if a candidate desires to have a candidate statement, that the candidate pay for their statement.

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

RESOLUTION NO. 2010 - 31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

3.3 Resolution of Necessity – Clinton Keith Overpass

City Clerk Lee presented the item.

Julie Kline, Public Works Department, presented the staff report.

City Attorney Biggs stated this is a public meeting and not a public hearing

as the City has already had the public hearing.

Discussion ensued regarding a public meeting and a public hearing.

At 9:00 p.m. the City Council recessed.

At 9:07 p.m. the City Council reconvened into open session, with Council Member Cashman absent.

City Attorney Biggs stated the notice was given in accordance with law. The Code states we must give the notice and give an opportunity for a public hearing. For the purposes of this meeting, it is fine that it is a public meeting and not a public hearing.

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

RESOLUTION NO. 2010 - 32
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, DECLARING THE NECESSITY AND AUTHORIZING THE
COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS TO
SECURE REAL PROPERTY INTERESTS NECESSARY TO
CONSTRUCT THE I-15/CLINTON KEITH INTERCHANGE
RECONSTRUCTION PROJECT

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

CITY MANAGER REPORT

City Manager Oviedo thanked Assistant City Manager Nordquist and the Staff in getting the budget together.

CITY ATTORNEY REPORT

City Attorney Biggs reported that there has been a ruling in the St. Marie case regarding the County augmentation payments to the City. The ruling states that it needs to go back to the trial court for further proceedings and have not granted summary judgment at this time.

COUNCIL COMMUNICATIONS

Mayor Pro Tem Swanson stated she attended the Western Regional Water luncheon last week. The City's birthday is coming on Monday, July 5 at Marna O'Brian Park. She also encouraged everyone to shop Wildomar.

Council Member Ade stated she will be attending the WRCOG program tomorrow.

Council Member Farnam stated he would like the Council to sponsor the H.E.L.P. program in the form of a Resolution and to show we are behind them.

It was the consensus of the City Council to do this.

Mayor Moore stated she attended the following: Chamber Mixer at City Hall; Farmer's Market on Monday nights; EDWC luncheon; College meeting; Elected women's luncheon.

FUTURE AGENDA ITEMS

There were none.

ADJOURNMENT

There being no further business, Mayor Moore declared the meeting adjourned at 9:17 p.m. in memory of Dennis Meinberger.

Respectfully submitted,

Debbie A. Lee, CMC
City Clerk

**CITY OF WILDOMAR
CITY COUNCIL REGULAR COUNCIL MEETING MINUTES
JULY 14, 2010**

The regular meeting of July 14, 2010, of the Wildomar City Council was called to order by Mayor Moore at 6:00 p.m.

Members in attendance: Mayor Moore, Mayor Pro Tem Swanson, Council Members Ade, Cashman, and Farnam. Members absent: None.

CALL TO ORDER (CLOSED SESSION) - 6:00 P.M.

The City Council will meet in closed session to confer with legal counsel pursuant to the provisions of Government Code Section 54956.9(b) regarding one matter of significant exposure to litigation

At 7:00 p.m. the Council reconvened into open session, with all Council Members present, making no announcements.

There being no further business, Mayor Moore declared the closed session portion of the agenda adjourned

CALL TO ORDER – 7:00 p.m.

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

Staff in attendance: City Manager Oviedo, Assistant City Manager Nordquist, Assistant City Attorney Jex, Public Works Director Kashiwagi, Planning Director Hogan, Police Chief Fontneau, and City Clerk Lee.

A moment of silence was observed and the flag salute was led by Boy Scout Troop 806 and 808.

PRESENTATIONS

Mayor Moore presented certificates to Boy Scout National Jamboree Attendees from Wildomar.

Mayor Moore presented certificates to a mission group that went to New Orleans for humanitarian efforts in the aftermath of Katrina.

Henry Silvestre presented the Chamber of Commerce monthly update.

Paula Willette, Community Services Director, presented the monthly update.

PUBLIC COMMENTS

Kristan Lloyd, Wildomar Community Council, stated they have just been named a Home Depot Framing Hope Product Donation Partner. They will receive products that will be part of their Happy Homes Program that benefits elderly, low income, and disabled people. They will have a needs form so it will help them identify where the needs are. They have also voted to form a Save Our Parks Committee that could assist the City in outreach due to restrictions the City may have. She will be presenting the Happy Homes Program at the next Council meeting.

Gerald Hall, resident, stated that he is upset regarding the actions of Mr. Beutz. He challenged him to step into the Chamber and explain what he is doing. He also wants the City to consider the e-verify program. He would like to see it on an upcoming agenda soon.

APPROVAL OF THE AGENDA AS PRESENTED

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

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

1.0 CONSENT CALENDAR

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to approve the Consent Calendar as presented.

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Minutes – June 9, 2010 Regular Meeting

Approved the Minutes as submitted.

1.3 Minutes – June 16, 2010 Special Joint Training/Norming Session

Approved the Minutes as submitted.

1.4 Warrant Registers

Approved the following Warrant Registers:

1. Dated June 22, 2010 in the amount of \$15,297.15; and
2. Dated June 30, 2010 in the amount of \$500,707.36.

1.5 Open Fire Permit Proclamation

Approved the Proclamation suspending the issuance of open burning permits and other uses of open fire.

1.6 Financial Accounting System Purchase and Support Costs

Adopted a Resolution entitled:

RESOLUTION NO. 2010 - 33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AUTHORIZING STAFF TO EXECUTE AN AGREEMENT WITH TYLER TECHNOLOGIES INC FOR ACCOUNTING SYSTEM SOFTWARE, LAN WAN ENTERPRISES FOR HARDWARE AND M. CHENG FOR IMPLEMENTATION AND ACCOUNTING SUPPORT SERVICES

2.0 PUBLIC HEARINGS

2.1 Establishing Code Enforcement Fees (Continued from 06-23-10)

City Clerk Lee presented the item.

Mayor Moore opened the public hearing.

Assistant City Manager Nordquist stated that due to information just received, Staff is asking to continue this item to the meeting of August 11, 2010, at 7:00 p.m.

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to continue the item to August 11, 2010, at 7:00 p.m.

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

3.0 GENERAL BUSINESS

3.1 Discussion of the Grand Jury Report and Potential Response

City Clerk Lee presented the item.

City Manager Oviedo read the draft response letter.

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to direct the City Manager to submit the response to the Grand Jury within 90 days of the receipt of the report.

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

3.2 Landscape Maintenance District 2006-1

City Clerk Lee presented the item.

City Engineer Kashiwagi presented the staff report.

Gil Rasmussen, resident, stated he encouraged the Council to adopt these Resolutions for the City parks. He is outraged with Mr. Beutz in what he has done to the City.

George Taylor, resident, stated the history of the parks in Wildomar and the assessment. He then suggested that Mr. Beutz and Mr. St. Marie go to a City that has no parks and leave the majority of the residents of Wildomar that do want parks alone.

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to adopt a Resolution entitled:

RESOLUTION NO. 2010 - 35
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ORDERING PREPARATION OF THE ENGINEER'S
REPORT REGARDING THE PROPOSED ASSESSMENT TO BE LEVIED
AND COLLECTED FOR FISCAL YEAR 2010-11 WITHIN THE
WILDOMAR LANDSCAPE MAINTENANCE DISTRICT (LMD) 2006-1

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

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

RESOLUTION NO. 2010 - 36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENT WITHIN WILDOMAR LMD 2006-1 FOR FISCAL YEAR 2010-11, SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNUAL ASSESSMENT AND ORDERING NOTICE OF THE PUBLIC HEARING TO BE GIVEN CONSISTENT WITH THE LANDSCAPING AND LIGHTING ACT OF 1972

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

3.3 Notice of Intent to Establish Community Service Area Charges for FY 2010-11

City Clerk Lee presented the item.

City Engineer Kashiwagi presented the staff report.

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to adopt a Resolution entitled:

RESOLUTION 2010 - 37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ESTABLISHING COMMUNITY SERVICE AREA CHARGES WITHIN THE CITY FOR FISCAL YEAR 2010-11

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

3.4 Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zones 3, 29, 30, 90 and Street Lighting Zones

City Clerk Lee presented the item.

City Engineer Kashiwagi presented the staff report.

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

RESOLUTION NO. 2010 - 20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ORDERING PREPARATION OF THE ENGINEER'S REPORT REGARDING THE PROPOSED ASSESSMENTS TO BE LEVIED AND COLLECTED FOR FISCAL YEAR 2010-11 WITHIN ZONES

3 (LOCATIONS 7, 23, 24, 25, 29, 35, 42, 43, 45, 47, 49, AND 53), 29 (LOCATION 2), 30 (LOCATIONS 1 AND 2), 42, 51, 52, 59, 62, 67, 71, AND 90, AND STREET LIGHTING ZONES 18, 26, 27, 35, 50, 70, 71, 73, AND 88 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to adopt a Resolution entitled:

RESOLUTION NO. 2010 - 21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN ZONES 3 (LOCATIONS 7, 23, 24, 25, 29, 35, 42, 43, 45, 47, 49, AND 53), 29 (LOCATION 2), 30 (LOCATIONS 1 AND 2), 42, 51, 52, 59, 62, 67, 71, AND 90, AND STREET LIGHTING ZONES 18, 26, 27, 35, 50, 70, 71, 73, AND 88 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED FOR FISCAL YEAR 2010-11, SETTING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE ANNUAL ASSESSMENT AND ORDERING NOTICE OF THE PUBLIC HEARING TO BE GIVEN CONSISTENT WITH THE LANDSCAPING AND LIGHTING ACT OF 1972

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

3.5 Proposal to Commit the City to the California Regional Water Quality Control Board (RWQCB), San Diego Region, Municipal Separate Storm Sewer System (MS4) Permit Requirements

City Clerk Lee presented the item.

Tim D’Zmura, Engineering Manager, presented the staff report. He stated the City falls into two jurisdictions presently, but the City has the option of requesting that the City fall under one.

Council Member Ade inquired that if the City requests to go under the San Diego Region, what happens to development that is currently coming through the Santa Ana region.

City Engineer Kashiwagi answered that they must be in compliance with the region they are in when they pull permits. Should the request be approved and Wildomar is under the San Diego region, they would have

to be in compliance with that. He is not sure there is anyone that would get caught in that presently.

Discussion ensued regarding the difference between the Santa Ana and San Diego regions are operating.

A MOTION was made by Council Member Cashman, seconded by Council Member Ade, to direct staff to submit a formal letter to the California Regional Water Quality Control Board (RWQCB), San Diego Region, requesting that the entire City be regulated by the San Diego Region MS4 Storm Water Permit Requirements.

Roll call vote: Ayes – 5; Nays – 0. Motion carried.

CITY MANAGER REPORT

City Manager Oviedo stated copies of the draft response letter to the Grand Jury are available on the table by the door. Also, the Elsinore Chamber is having a lunch tomorrow and the speaker is the Executive Director of RCTC and Wildomar is invited.

CITY ATTORNEY REPORT

There was nothing to report.

COUNCIL COMMUNICATIONS

Council Member Cashman stated he spoke at an educational conference for teachers concerning engineering as a profession and how students in Middle School should be thinking about what they want to do when they get older. He also stated that it is important for the City to get a College to further education.

Mayor Pro Tem Swanson stated the City birthday party was great. It was a really good time and everyone loved it in the park. She also wished a happy birthday to all three City employees.

Mayor Moore stated she attended the following events: Radio Field Day; Lake Elsinore Chamber Economic meeting; Ringing of the bell on July 1 for the City's birthday; the Farm July 4th parade; Citizen Corp meeting; Farmer's Market; Chamber breakfast. Also, the City is selling 72 hour kits for emergency

preparedness. She will be gone for the next two weeks and Mayor Pro Tem will be running the next Council meeting. She also announced that Council Member Farnam is the only Council Member who has not missed a meeting.

FUTURE AGENDA ITEMS

Wildomar Community Council Happy Homes Program presentation.

ADJOURNMENT

There being no further business, Mayor Moore declared the meeting adjourned at 8:18 p.m.

Respectfully submitted by:

Debbie A. Lee, CMC
City Clerk

TO: Mayor and City Council
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Warrant Registers dated July 8, 12, and 16, 2010

STAFF REPORT

RECOMMENDATION:

That the City Council approve the following Warrant Registers:

1. Dated July 8, 2010 in the amount of \$27,038.00;
2. Dated July 12, 2010 in the amount of \$23,680.77; and
3. Dated July 16, 2010 in the amount of \$19,160.92.

BACKGROUND:

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

FISCAL IMPACTS:

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

ALTERNATIVES:

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

Submitted by:

Approved by:

Gary Nordquist
Assistant City Manager

Frank Oviedo
City Manager

**City of Wildomar
Warrant Register
7/8/2010 (hand-written check)**

Date	Num	Name	Memo/Description	Amount
07/08/10	2524	California State Treasurer - Condemnation	Deposit for Condemnation	\$ 27,038.00
				Total \$ 27,038.00

**City of Wildomar
Warrant Register
July 12, 2010**

Date	Num	Name	Memo/Description	Amount
10 1000 1 Cash - Wells Fargo				
07/12/2010		Crystal Clean Maintenance	Janitorial Services - City Hall - July 2010	\$ 698.00
07/12/2010	2526	International Council of Shopping Centers	Renewal Dues through 08/2011 - Ade & Farnam	150.00
07/12/2010	2527	Naples Plaza Ltd.-Oak Creek II	Monthly Lease - July 2010	10,114.56
07/12/2010	2528	PARSAC	2010/2011 Premium for Annual Property Insurance	3,769.00
07/12/2010	2529	Wells Fargo Business Card	Credit Card Charges for June 2010	8,949.21
				Total \$ 23,680.77

City of Wildomar
Check Detail
16-Jul-10

Date	Num	Name	Memo/Description	Amount
07/16/2010	2530	Animal Friends of the Valleys, Inc.	June 2010 Services	\$ 7,500.00
07/16/2010	2531	AT&T Mobility	Cell Phone monthly Costs	566.81
07/16/2010	2532	Ben Benoit	Planning Commission Meeting June 16, 2010	75.00
07/16/2010	2533	CBC Technical	Park Summer Program supplies	1,388.09
07/16/2010	2534	CR&R	June 2010 monthly waste service - yard	270.25
07/16/2010	2535	Elsinore Valley Municipal Water District	June 2010 monthly water costs	5,535.92
07/16/2010	2536	Gary Andre	Planning Commission Meeting June 16, 2010	75.00
07/16/2010	2537	Gary Nordquist	July 2010 Medical Insurance	1,200.00
07/16/2010	2538	Harv Dykstra	Planning Commission Meeting June 16, 2010	75.00
07/16/2010	2539	Innovative Document Solutions	June 2010 copier costs	193.53
07/16/2010	2540	International Code Council, Inc.	annual membership	100.00
07/16/2010	2541	OnTrac	Overnight mail services	1,464.00
07/16/2010	2542	Robert Devine	Planning Commission Meeting June 16, 2010	75.00
07/16/2010	2543	Verizon	June 2010 communication costs- City Hall	642.32
				Total \$ 19,160.92

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.5
CONSENT CALENDAR
Meeting Date: July 28, 2010

TO: Mayor and City Council
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Treasurer's Report, June 2010

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council approve the Treasurer's Report for June, 2010.

BACKGROUND/DISCUSSION:

Attached is the Treasurer's Report for Cash and Investments for the month of June 2010.

FISCAL IMPACTS:

None at this time.

ALTERNATIVES:

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

Submitted by:

Approved by:

Gary Nordquist
Assistant City Manager

Frank Oviedo
City Manager

ATTACHMENTS: Treasurer's Report

CITY OF WILDOMAR
 TREASURER'S REPORT FOR
 CASH AND INVESTMENT PORTFOLIO
June 2010

CITY CASH

<u>INSTITUTION</u>	<u>BALANCE</u>	<u>RATE</u>
WELLS FARGO	\$ <u>3,159,501.42</u>	0.00%
TOTAL	\$ <u>3,159,501.42</u>	

<u>INSTITUTION</u>	<u>BEGINNING BALANCE</u>	<u>+ DEPOSITS</u>	<u>(-) WITHDRAWALS</u>	<u>ENDING BALANCE</u>	<u>RATE</u>
WELLS FARGO	\$ <u>3,200,801.34</u>	\$ <u>980,759.27</u>	\$ <u>(1,022,059.19)</u>	\$ <u>3,159,501.42</u>	0.000%
TOTAL	\$ <u>3,200,801.34</u>	\$ <u>980,759.27</u>	\$ <u>(1,022,059.19)</u>	\$ <u>3,159,501.42</u>	

CITY INVESTMENT

<u>INSTITUTION</u>	<u>BOOK VALUE</u>	<u>FACE VALUE</u>	<u>MARKET VALUE</u>	<u>PERCENT OF PORTFOLIO</u>	<u>DAYS TO MAT.</u>	<u>STATED RATE</u>
INVESTMENT FUND	\$ <u>1,522,227.90</u>	\$ <u>1,522,227.90</u>	\$ <u>1,522,227.90</u>	100.00%	0	0.528%
TOTAL	\$ <u>1,522,227.90</u>	\$ <u>1,522,227.90</u>	\$ <u>1,522,227.90</u>	100.00%		

FIXED INVESTMENT \$ 4,681,729.32

CITY INVESTMENT

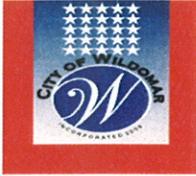
<u>INSTITUTION</u>	<u>BEGINNING BALANCE</u>	<u>+ DEPOSITS/ PURCHASES</u>	<u>(-) WITHDRAWALS/ SALES/ MATURITIES</u>	<u>ENDING BALANCE</u>	<u>STATED RATE</u>
INVESTMENT FUNDS	\$ <u>1,522,227.90</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>1,522,227.90</u>	0.528%
TOTAL	\$ <u>1,522,227.90</u>	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>1,522,227.90</u>	

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

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

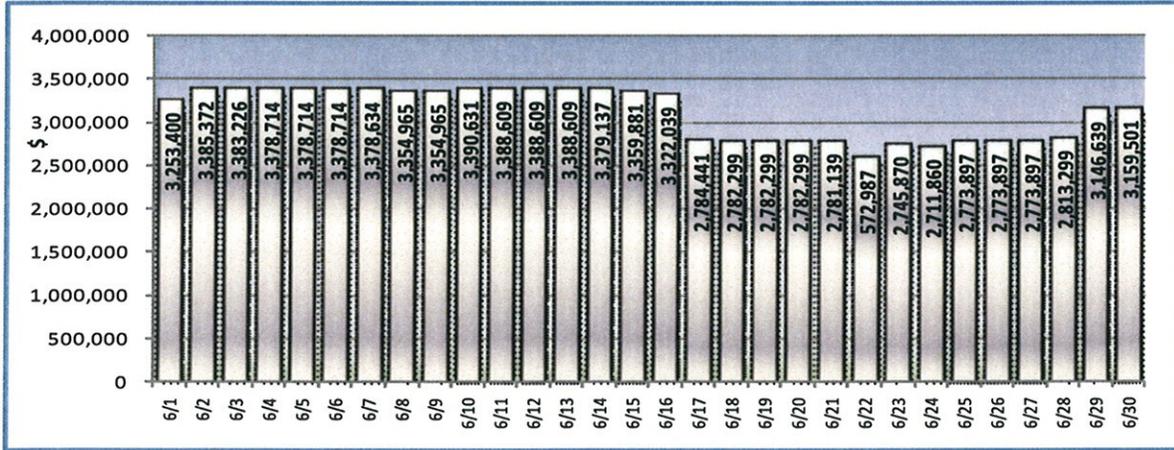
 Gary Nordquist
 ACM Finance & Administration /
 City Treasurer

 Date



June 2010

Daily Cash Balance
All Funds Checking Only
Pool Report Balance



June 2010

2008-2009	Ending Balance	Monthly Net Activity
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	644,285	72,428
May	687,746	43,461
June	1,266,750	579,004
July	2,027,072	760,322
August	4,745,827	2,718,755
September	4,201,825	(544,002)
October	3,674,234	(527,592)
November	3,098,110	(576,124)
December	2,963,884	(710,350)
January	2,801,810	(296,300)
February	2,919,794	117,984
March	2,397,718	(522,076)
April	3,239,669	841,951
May	3,200,801	(38,868)
June	3,159,501	(41,300)

Date	Ending Balance In Whole \$	Net Change from Prior Day
6/1	3,253,400	-
6/2	3,385,372	131,971
6/3	3,383,226	(2,146)
6/4	3,378,714	(4,512)
6/5	3,378,714	-
6/6	3,378,714	-
6/7	3,378,634	(80)
6/8	3,354,965	(23,669)
6/9	3,354,965	-
6/10	3,390,631	35,666
6/11	3,388,609	(2,023)
6/12	3,388,609	-
6/13	3,388,609	-
6/14	3,379,137	(9,471)
6/15	3,359,881	(19,257)
6/16	3,322,039	(37,842)
6/17	2,784,441	(537,598)
6/18	2,782,299	(2,142)
6/19	2,782,299	-
6/20	2,782,299	-
6/21	2,781,139	(1,160)
6/22	2,587,781	(193,358)
6/23	2,745,870	158,090
6/24	2,711,860	(34,010)
6/25	2,773,897	62,037
6/26	2,773,897	-
6/27	2,773,897	-
6/28	2,813,299	39,402
6/29	3,146,639	333,339
6/30	3,159,501	12,863

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.6
CONSENT CALENDAR
Meeting Date: July 28, 2010

TO: Mayor and City Council
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Statement of Investment Policy

STAFF REPORT

RECOMMENDATION:

That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING STATEMENT OF INVESTMENT POLICY

BACKGROUND/DISCUSSION

Pursuant to California Government Code Sections 53600 and 53630 et seq. and 53646, the City of Wildomar must adopt an annual investment policy by resolution.

The Statement of Investment Policy sets forth policies which shall govern the investment of the City's funds. It will be used by the City's Assistant City Manager and other City officials and staff, as well as all other third-party providers of investment or investment-related services. Its purpose is to direct the prudent investment and protection of the City's funds and investment portfolio.

FISCAL IMPACTS:

None.

ALTERNATIVES:

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

Submitted by:

Approved by:

Gary Nordquist
Assistant City Manager

Frank Oviedo
City Manager

ATTACHMENTS: Statement of Investment Policy Resolution

RESOLUTION NO. 2010 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING STATEMENT OF INVESTMENT POLICY

WHEREAS, the City Council of the City of Wildomar ("City") has established a Statement of Investment Policy to set forth and identify policies of the City Council which may not otherwise be established in ordinances of the City, or which are restated to further amplify existing City policy; and

WHEREAS, all policies included in the Statement of Investment Policy are adopted by resolution; and

WHEREAS, the City Council wishes to adopt its Statement of Investment Policy; and

WHEREAS, such policy will provide for the safety of City investments, and secondarily ensure liquidity and yield, and

WHEREAS, such policy will enforce strict investment guidelines with regards to investments, external portfolio managers and capital wherewithal of brokering firms.

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

SECTION 1. That the City Council approves the adoption of the Statement of Investment Policy", as attached hereto as Exhibit "A",

SECTION 2. This policy will take effect immediately upon adoption.

PASSED, APPROVED, AND ADOPTED this 28th day of July, 2010.

Bridgette Moore, Mayor
By: Marsha Swanson, Mayor Pro Tem

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR STATEMENT OF INVESTMENT POLICY

I. INTRODUCTION

The City Council of the City of Wildomar (the "City") recognizes its responsibility to prudently direct the investment of the City's funds on behalf of the City's existing and future residents. The City Council further recognizes that the City's investment assets are essential to the City's financial strength, the effective implementation of long range financial plans, and ultimately its ability to respond to the needs of the community.

The investment policies and practices of the City of Wildomar take into consideration that California statutes authorize the City of Wildomar to finance acquisition or construction of various projects and capital assets through the issuance and sale of municipal securities, including but not limited to general obligation bonds and revenue bonds. Depending on the type and the authority for the issuance and sale of the bond, the City's general fund and/or certain sources of city revenue may be pledged as security for the bonds. The bonding and the resulting security interest in city funds and revenue may supercede all or portions of this Policy.

This Statement sets forth policies which shall govern the investment of the City's funds. It will be used by the City's Assistant City Manager and other City officials and staff, as well as all other third-party providers of investment or investment-related services. Its purpose is to direct the prudent investment and protection of the City's funds and investment portfolio.

II. POLICY

It is the policy of the City to invest public funds in a manner which will provide the highest investment return with maximum security while meeting the daily cash flow demands of the City and conforming to all state and local statutes governing the investment of public funds.

III. SCOPE

This Investment Policy applies to all financial assets of the City of Wildomar. The following funds are covered by this Investment Policy and are accounted for in the City's Comprehensive Annual Financial Report:

- A) General Fund
- B) Special Revenue Funds
- C) Debt Service Funds
- D) Capital Project Funds

- E) Enterprise Funds
- F) Internal Services Funds
- G) Trust and Agency Funds
- H) Any new funds created by the City Council

IV. PRUDENCE

Investments shall be made in the context of the "Prudent Investor" standard pursuant to Government Code Section 53600.3 which states in relevant part that:

"When investing, reinvesting, purchasing, acquiring, exchanging, selling, and managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency."

Investments shall be made with judgment and care under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

All investments purchased shall have daily liquidity or a final stated maturity date, upon which the full principal value of the security will be received. Although the investment will mature at full principal value, it is recognized that the market will vary throughout the life of the security. In a diversified portfolio it must be further recognized that occasional measured losses are inevitable due to economic, bond market, or individual security credit analysis. These occasional losses must be evaluated and considered within the context of the overall return.

The "Prudent Investor" standard shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

V. OBJECTIVE

The City's cash management system is designed to accurately monitor and forecast expenditures and revenues, which enables the City to invest its funds to the fullest extent possible. The objective of the investment portfolio is to meet the short- and long-term cash flow demands of the City. To achieve this

objective, the portfolio will be structured to provide safety of principal and liquidity, while attempting to receive the highest yield obtainable.

A. Safety of Principal

Safety of principal is the foremost objective of the City of Wildomar. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. Each investment transaction shall seek to ensure that capital losses are avoided, whether from securities default, broker-dealer default or erosion of market value. To attain this objective, the City will diversify its investments by investing funds among a variety of securities and approved financial institutions. The City shall seek to preserve principal by mitigating the two types of risk in order of importance: credit risk and market risk.

1. **Credit Risk** Credit risk, defined as the risk of loss due to failure of an issuer of a security, shall be mitigated by purchasing U.S. Treasuries or high grade securities. All investments beyond Treasury securities will be diversified so that the failure of any one issuer would not unduly harm the City's cash flow. Credit risk shall also be mitigated by prequalifying financial institutions, broker/dealers, intermediaries and advisors with which the City does business. Investments must be limited to securities backed by the full faith and credit of: (1) the federal government, (2) other governmental agencies, or (3) agencies and institutions with collateral, including assets and insurance, assuring similar risk.

2. **Market or Interest Rate Risk** Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in general interest rates. Interest rate risk may be mitigated by structuring the Funds so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity, and by investing operating funds primarily in shorter-term securities. The cash flow is updated on a daily basis and will be considered prior to the investment of securities, which will reduce the necessity to sell investments for liquidity purposes. Long-term securities shall not be purchased for the sole purpose of short-term speculation. Securities shall not be sold prior to maturity with the following exceptions, 1) a security whose credit declines or is expected to decline may be sold IF there is a reasonable expectation that the prompt payment of principal and interest becomes unlikely. A temporary or modest decline in a securities; credit rating should not in and of itself trigger a liquidation , 2) a security swap would improve the quality, yield, or target duration in the portfolio, or 3) liquidity needs of the portfolio require that the security be sold. The weighted average maturity of

the funds will be limited to three years or less. Purchases of investments will be restricted to securities with a final stated maturity not to exceed five (5) years.

B. Liquidity

This refers to the ability to "cash in" at any moment in time with a minimal chance of losing some portion of principal or accrued interest. Liquidity is an important quality especially when the need for unexpected funds occurs. The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated.

C. Return On Investments

The City's investment portfolio shall be designed with the objective of attaining a benchmark rate of return throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio. A benchmark does not imply that the Assistant City Manager will add additional risk to the portfolio in order to attain or exceed the benchmark.

VI. DELEGATION OF AUTHORITY

The City of Wildomar Resolution No. ____ delegates investment authority to the Assistant City Manager. It further authorizes the Assistant City Manager to invest or deposit the City's funds in accordance with California Government Code Sections 53600 and 53630 et seq. and all related State and Federal laws.

In the Assistant City Manager's absence, and subject to City Council approval, the Assistant City Manager may assign investment responsibilities to the City Manager. The Assistant City Manager will provide prior written notification to the City Manager and the City Council regarding the assignment of responsibilities. In the event that the Assistant City Manager is unable to assign responsibility, the City Manager may select a designee. In addition, at the discretion of the Assistant City Manager, cash monitoring and investment responsibilities can be assigned to a designated assistant and a surety bond will be obtained by the City for said assistant.

The responsibility for establishing, monitoring and maintaining a strong system of investment controls and directing an independent audit of the investment function is delegated to the City Manager. The City Manager's designee(s) may assist in carrying out these functions.

The City Council's primary responsibilities over the investment function include establishing investment policies, annually reviewing such policies, reviewing

monthly investment reports issued by the Assistant City Manager and authorizing any deviations from the City's Investment Policy.

VII. ETHICS AND CONFLICTS OF INTEREST

The Assistant City Manager and other employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions. The Assistant City Manager and investment employees shall disclose any material interests in financial institutions with which they conduct business within their jurisdiction. They shall further disclose any large personal financial/investment positions that could be related to the performance of the investment portfolio and shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City. The Assistant City Manager and investment employees are required to file annual disclosure statements as required by the Fair Political Practices Commission (FPPC). During the course of the year, if there is an event subject to disclosure that could impair the ability of the Assistant City Manager or investment employees to make impartial decisions, the City Council will be notified in writing within 10 days of the event.

VIII. QUALIFIED DEALERS

The City shall transact investments only with banks, savings and loans, investment security dealers and the State of California Local Agency Investment Fund. The purchase by the City of any investment, other than those purchased directly from the issuer, shall be purchased directly from an institution licensed by the State as a broker/dealer, as defined in Section 25004 of the Corporations Code, who is a member of the National Association of Securities Dealers, or a member of a Federally regulated securities exchange, a National or State Chartered Bank, a Federal or Savings Association, or a brokerage firm designated as a Primary Government Dealer by the Federal Reserve Bank. Exceptions to this rule will be made only after thorough research and documented confirmation of financial strength and reputation and after approval by the City Manager. Investment staff shall investigate dealers who wish to do business with the City in order to determine if they are adequately capitalized, market securities appropriate to the City's needs, and are recommended by managers of portfolios similar to the City's.

The City shall at least annually send a copy of the current investment policy to all dealers approved to do business with the City. Confirmation of receipt of this policy shall be considered as evidence that the dealer understands the City's investment policies, and intends to show the City only appropriate investments.

IX. AUTHORIZED AND SUITABLE INVESTMENTS

The investments set forth in this section are authorized investments pursuant to Section 53601 et seq. of the Government Code and are authorized investments for the City subject, however, to the prohibitions set forth in Section X of this Investment Policy.

A. Securities of the U.S. Government

U.S. Treasury Bills – issued by the U.S. Treasury and are available in maturities out to one year. They are non-interest bearing and sold on a discount basis. The face amount is paid at maturity.

U.S. Treasury Notes – issued by the U.S. Treasury with maturities from two to ten years. They are issued in coupon form and many issues are also available in registered form. Interest is payable at six month intervals until maturity.

U.S. Treasury Bonds – issued by the U.S. Treasury with maturities of ten years to thirty years. The City may purchase the interest and/or principal of a U.S. Treasury Bond. A principal only instrument is commonly called a “stripped” or “zero” coupon. Stripped coupons are sold at a discount basis. The face amount is paid at maturity.

B. Securities of U.S. Government Agencies

The capital of U.S. government agencies was initially financed by the United States Treasury. But as they have grown and operated profitably over the years, the Treasury’s investment has been replaced in a large measure by private capital. At present, obligations of only a few agencies are backed by the full faith and credit of the U.S. Government. The obligations of all the federal agencies described in the following sections are not guaranteed by the U.S. Government with the exception of Government National Mortgage Association (GNMA), but are considered to be investments of the highest quality.

Federal National Mortgage Association – (Fannie Mae) a quasi public corporation created by an act of Congress to assist the home mortgage market by purchasing mortgages insured by the Federal Housing Administration and the Farmers Home Administration, as well as those guaranteed by the Veterans Administration. Fannie Mae issues Notes and Bonds and there is a strong secondary market in these securities. A secondary market means these instruments are actively traded, they are bought and sold daily. Bonds are issued for 15 and 30 year maturities with interest paid semi-annually. Interest is computed on a 30/360 day

basis. Notes are issued with maturities of less than one year with interest paid at maturity.

Government National Mortgage Association – (Ginnie Mae) a wholly owned corporation instrumentality of the United States within the Department of Housing and Urban Development. A certificate collateralized by FHA/VA residential mortgages represents a share in a pool of FHA or VA mortgages. Ginnie Mae's are registered securities. Original maturities range from 12 to 30 years with a 7 to 12 year assumed average life. (Assumed average life is due to prepayments of mortgages). Principal and interest are paid monthly and sent directly from the issuer of the pool, usually a mortgage banker, to the City.

Federal Home Loan Banks – (FHLB) provide credit to member lending institutions such as savings and loan associations, cooperative banks, insurance companies and savings banks. The agency offers bonds in the public market with maturities of 1 to 10 years. These bonds are usually offered on a quarterly basis depending on the current demands of the housing industry. Interest is paid semi-annually on a 30/360 day basis.

Federal Farm Credit Banks – debt instruments issued to meet the financial needs of farmers and the national agricultural industry, these issues enjoy an established secondary market. Discount notes are issued monthly with 6 and 9 month maturities. Longer term debentures (2-5 years) are also issued. Discount notes pay interest at maturity. Debentures pay interest semi-annually on a 30/360 day basis.

Federal Home Loan Mortgage Corporation – (Freddie Macs) A publicly held government-sponsored enterprise created in 1970 pursuant to the Federal Home Loan Mortgage Corporation Act, Title III of the Emergency Home Finance Act of 1970, as amended. Freddie Mac's statutory mission is to provide stability in the secondary market for home mortgages, to respond appropriately to the private capital market and to provide ongoing assistance to the secondary market for home mortgages by increasing the liquidity of mortgage investments and improving the distribution of investment capital available for home mortgage financing. Maturity can be from 1 to 30 years. These loans can be either set at a fixed rate or a variable rate.

C. Bonds

City Bonds – Bonds issued by the city, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the City or by a department, board, agency, or authority of the City.

State Bonds – Registered state warrants or treasury notes or bonds of the State of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the State or by a department, board, agency, or authority of the State.

Municipal Bonds – Bonds, notes, warrants, or other evidences of indebtedness of any local agency within the State of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency.

D. Time Deposits and Certificates of Deposit

Time Deposits are placed with commercial banks and savings and loan agencies. A time deposit is a receipt for funds deposited in a financial institution for a specified period of time at a specified rate of interest. Deposits of \$100,000 (referred to as Jumbo C.D.'s) per institution are insured by the government and Certificates of Deposit can be supported by either 110% U.S. Government agency notes or 150% mortgages currently held by the bank or savings and loan. Purchases of negotiable certificates of deposit may not exceed 30 percent of the City's surplus money to be invested. Generally the time is 3 months to 2 years. Denominations can be any agreed upon amount and interest is normally calculated using actual number of days on a 360-day year and paid monthly. An institution must maintain a net worth to asset ratio of at least 3% and a positive earnings record, must be in compliance with the Financial Institution Reform Act (FIRREA) capital ratio requirements for risk-based, tangible, and core capital, and the institution must make available a current Federal Deposit Insurance Corporation (FDIC) call report or a Federal Home Loan Bank (FHLB) report. A call report presents the financial condition of the institution to the agency with oversight responsibility of that institution.

E. Negotiable Certificates of Deposit

Negotiable Certificates of Deposit are a form of Certificate of Deposit which has been an important money market instrument since 1961 when commercial banks began issuing them and a secondary market developed to provide liquidity. They are supported only by the strength of the institution from which they are purchased. Negotiable Certificates of Deposit may not exceed 30% of the City's surplus funds to be invested. Maturities range from 3 months to 2 years and are generally issued in blocks of \$1 million, \$5 million, \$10 million, etc. Interest is paid semi-annually computed on a 30/360 day basis.

F. Bankers Acceptance Notes

As a money market instrument, this note is an attractive short-term investment. When a bank “accepts” such a time draft, it becomes, in effect, a predated certified check payable to the bearer at some future, specified date. Purchases of bankers acceptances may not exceed 180 days maturity or 40 percent of the City’s surplus money that may be invested pursuant to this section. In addition, no more than 30 percent of the City’s surplus funds may be invested in the bankers acceptances of any one commercial bank pursuant to this section.

G. Commercial Paper

Commercial paper is the trade name applied to unsecured promissory notes issued by finance and industrial companies to raise funds on a short term basis. Commercial paper of “prime” quality of the highest ranking or of the highest letter and numerical rating as provided for by Moody’s Investors Service, Inc., or Standard and Poor’s Corporation. Eligible paper is further limited to issuing corporations that are organized and operating within the United States and having total assets in excess of five hundred million dollars (\$500,000,000) and having an “A” or higher rating for the issuer’s debt, other than commercial paper, if any, as provided for by Moody’s Investors Service, Inc., or Standard and Poor’s Corporation. Purchases of eligible commercial paper may not exceed 270 days maturity nor represent more than 10 percent of the outstanding paper of an issuing corporation. Purchases of commercial paper may not exceed 25 percent of the City’s surplus money that may be invested pursuant to this section.

H. Repurchase Agreement

Investments in repurchase agreements are allowable but must comply with current Government code and a Master Repurchase Agreement must be signed with the bank or dealer.

Closely associated with the functioning of the Federal funds market is the negotiation of repurchase agreements. Banks may buy temporarily idle funds from a customer by selling U.S. Government or other securities with the contractual agreement to repurchase the same security on a future date determined by the negotiation. For the use of funds, the customer receives an interest payment from the bank; the interest rate reflects both the prevailing demand for Federal funds and the maturity of the “repo”. Repurchase agreements are usually executed for \$100,000 or more. The City will require physical delivery of the securities backing the “repo” to its safekeeping agent. The issuing institution must transfer on an ongoing basis sufficient securities to compensate for changing market conditions and to insure that adequate collateral is maintained in the City’s

safekeeping account. Repurchase agreements shall only be made with primary dealers of the Federal Reserve Bank of New York, the market value of securities that underlay the agreement must be valued at 102 percent or greater of the funds borrowed against those securities, and the value shall be adjusted no less than quarterly. Purchases of repurchase agreements may not exceed 20 percent of the City's surplus money to be invested. Generally, maturities range from 1 to 90 days (may not exceed one year) with interest paid at maturity.

I. Mutual Funds

Money Market Mutual Funds are another authorized investment allowing the City to maintain liquidity, receive competitive money market rates and remain diversified in pooled investments.

Mutual Funds are referred to in the California Government Code Section 53601 as "shares of beneficial interests issued by diversified management companies." The Mutual Fund must be restricted by its by-laws to the same investments allowed to the local agency. These investments are Treasury issues, Agency issues, Bankers Acceptances, Commercial Paper, Certificates of Deposit and Negotiable Certificates of Deposit. The quality rating and percentage restrictions in each investment category applicable to the local agency also applies to the Mutual Fund.

The purchase price of shares of the mutual fund shall not include any sales commission. Investments in mutual funds shall not exceed 10 percent of the City's surplus money.

J. Local Agency Investment Fund

The Local Agency Investment Fund (LAIF) of the State of California offers high liquidity because deposits can be wired to the City checking account in twenty-four hours. Interest is compounded on a daily basis.

LAIF is a special fund in the State Treasury which local agencies may use to deposit funds for investment. There is no minimum investment period and the minimum transaction is \$5,000, in multiples of \$1,000 above that, with a maximum of \$50,000,000 for any agency. All interest is distributed to those agencies participating on a proportionate share determined by the amounts deposited and the length of time of the deposit. Interest is paid quarterly and deposited directly into the account on the 15th day of the month following the close of the quarter. The State keeps an amount for the reasonable costs of administration, not to exceed one-half of one percent of the gross earnings.

Interest rates are fairly high because of the pooling of the State surplus cash with the surplus cash deposited by local governments. This creates

a multibillion-dollar money pool and allows diversified investments. In a high interest rate market, the City may produce higher yields than LAIF can, but in times of low interest rates, LAIF yields are generally higher.

K. Joint Powers Authority Investment Pools

Joint Powers Authority Investment Pools are organized pursuant to Section 6509.7 of the Government Code that invests in the securities and obligations under Sections 53601 of the California Government Code. To be eligible for City investments, the joint powers authority issuing the shares shall have retained an investment adviser that is registered or exempt from registration with the Securities and Exchange Commission, the adviser has not less than five years of experience investing in the securities and obligations authorized in under Section 53601 and the adviser has assets under management in excess of five hundred million dollars (\$500,000,000).

X. PROHIBITED INVESTMENTS AND TRANSACTIONS

Investments not described herein, including, but not limited to, reverse repurchase agreements, zero coupon bonds, inverse floaters, common stocks, futures, options and derivatives are prohibited from use in the City's investment portfolio.

The City shall not engage in securities lending, short selling or other hedging strategies. The City shall not purchase or sell securities on margin.

XI. COLLATERALIZATION

Collateralization will be required on two types of investments: certificates of deposit and repurchase agreements. Deposits of \$100,000 per institution are insured by the FDIC and Certificates of Deposit can be supported by either 110% U.S. Government agency notes of 150% mortgages currently held by the bank or savings and loan.

Collateral will always be held by an independent third party with whom the City has a current custodial agreement. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the City and retained. The right of collateral substitution is granted.

The City chooses to limit collateral to the following: Repurchase Agreements, Time Deposits and Certificates of Deposit.

XII. SAFEKEEPING AND CUSTODY

All security transactions, including collateral for repurchase agreements, entered into by the City shall be conducted on a delivery-versus-payment basis. Securities will be held by a third party custodial designated by the Assistant City Manager and evidenced by safekeeping receipts.

XIII. DIVERSIFICATION

The City operates its investment pool with many State and self-imposed constraints. It does not buy stocks and it does not speculate. Assets shall be diversified to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer, or a specific class of securities.

The City will diversify its investments by security type, institution and maturity/call dates. With the exception of U.S. Treasury securities and authorized pools, no more than 50% of the City's total investment portfolio will be invested in a single security type or with a single financial institution.

XIV. MAXIMUM MATURITIES

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than 5 years from the date of purchase.

Reserve funds may be invested in securities exceeding five years if the maturity of such investments is made to coincide as nearly as practicable with the expected use of the funds.

XV. INTERNAL CONTROL

The Assistant City Manager shall establish an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with the City's Investment Policy and for establishing internal controls that are designed to prevent losses due to fraud, negligence, and third-party misrepresentation.

Internal controls deemed most important shall include (but not limited to): avoidance of collusion; separation of duties and administrative controls; separating transaction authority from accounting and record keeping; custodial safekeeping; clear delegation of authority; management approval and review of investment transactions; specific limitations regarding securities losses and remedial action; written confirmation of telephone transactions; documentation of investment transactions and strategies; and monitoring of results.

XVI. PERFORMANCE STANDARDS

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs.

The City's investment strategy is passive. Passive investment portfolio management generally indicates that the Assistant City Manager will purchase an instrument and hold it through to call or maturity, and then reinvest the monies. Although the City's investment strategy is passive, this will not restrict the Assistant City Manager from evaluating when swaps are appropriate or if the sale of an instrument is prudent prior to final maturity. Given this strategy, the basis used by the Assistant City Manager to determine whether market yields are being achieved shall be the Local Agency Investment Funds (LAIF).

XVII. REPORTING

The Assistant City Manager shall provide the City Council monthly investment reports which provide a clear picture of the status of the current investment portfolio. The management report shall include the type of investments, the issuers, maturity dates, par values, and the current market values of each component of the portfolio, including funds managed for the City by third party safekeeping custodians. The report will also include the source of the portfolio valuation. As specified in California Government Code Section 53646 (e), if all funds are placed in LAIF or FDIC-insured accounts, the foregoing report elements may be replaced by copies of the latest statements from such institutions. The report must also include a certification that the City will meet its expenditure obligations for the next six months as required by California Government Code Section 53646 (b)(3). The Assistant City Manager shall maintain a complete and timely record of all investment transactions.

XVIII. INVESTMENT POLICY ADOPTION

The City's investment policy shall be adopted annually by resolution of the City Council. The policy shall be reviewed annually by the City Council and any modifications made thereto must be approved by the City Council.

CITY OF WILDOMAR – COUNCIL
Agenda Item #1.7
CONSENT CALENDAR
Meeting Date: July 28, 2010

TO: Mayor and City Council
FROM: Paula Willette, Community Services Director
SUBJECT: WRCOG Energy Leadership Partnership

STAFF REPORT

RECOMMENDATION:

That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, SUPPORTING, ENDORSING AND PARTICIPATING WITH THE
SOUTHERN CALIFORNIA EDISON, WESTERN RIVERSIDE COUNCIL OF
GOVERNMENTS AND ITS PARTICIPATING MEMBER CITIES IN AN ENERGY
LEADERSHIP PARTNERSHIP TO BE KNOWN AS “THE WESTERN
RIVERSIDE ENERGY LEADERSHIP PARTNERSHIP”

BACKGROUND:

Adoption of the Resolution appoints Paula Willette, Community Services Director, acting on behalf of the City of Wildomar, as the Energy Champion liaison between the City of Wildomar, WRCOG, and SCE, for the Western Riverside Energy leadership Partnership. Audits will be conducted for all energy use of City property to create a more sustainable and greener City.

FISCAL IMPACT:

None

ATTACHMENTS:

Resolution No. 2010 - _____

Submitted by:

Approved By:

Paula Willette
Community Services Director

Frank Oviedo
City Manager

RESOLUTION NO. 2010 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA,
SUPPORTING, ENDORSING AND PARTICIPATING WITH THE SOUTHERN
CALIFORNIA EDISON, WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS AND
ITS PARTICIPATING MEMBER CITIES IN AN ENERGY LEADERSHIP PARTNERSHIP
TO BE KNOWN AS “THE WESTERN RIVERSIDE ENERGY LEADERSHIP
PARTNERSHIP”**

WHEREAS, the Western Riverside Energy leadership Partnership (“WRELP”) (a Local Government Partnership), representing Western Riverside Council of Governments (“WRCOG”), its participating member cities, and Southern California Edison (“SCE”), supports “energy efficiency” initiatives, policies, and construction standards in order to ensure that local communities follow and encourage sustainable practices; and

WHEREAS, local demand for electricity has grown, and it is expected that demand for electricity will continue to grow in the near future to support a growing population and economy; and

WHEREAS, because citizens and businesses spend significant amounts for energy, it makes economic sense and is good public policy to encourage energy efficiency in the Western Riverside County region (“Region”) and its communities; and

WHEREAS, energy efficiency programs enhance the local environment by improving air quality, reducing greenhouse gases and other pollution, and conserving natural resources; and

WHEREAS, it is vital for local communities to promote investment in energy efficiency and to encourage innovations in the way they behave, build, and incorporate energy into everyday business and personal lives; and

WHEREAS, there is a growing movement within California communities and businesses to improve everyday practices and create more sustainable and “greener” cities; and

WHEREAS, the participating member cities of the WRELP seek to promote innovative methods and state-of-the-art technologies used in the design, construction and rehabilitation of new and existing residential and commercial buildings within the Region, in order to bring energy and natural resource consumption in line with sustainability goals; and

WHEREAS, WRCOG has been identified by the participating member cities to enter into an agreement with SCE and act on their behalf as necessary to further the goals of the WRELP; and

WHEREAS, WRELP brings together WRCOG, SCE and the participating member cities in a cooperative program, the Energy leader Partnership Program (“Program”) to promote energy efficiency, regional sustainability goals, and collaboration; and

WHEREAS, the City Council of the City of Wildomar has identified the suite of programs within the proposed Program as being consistent with the WRELP member's customer service goals; and

WHEREAS, the City Council desires to participate in the WRELP and the Program.

NOW, THEREFORE, the City Council of the City of Wildomar does hereby resolve, determine, find and order as follows:

1. The above recitations are true and correct.
2. The City Council supports the city's commitment to sustainable practices through energy efficiency, and will provide leadership and guidance in promoting, facilitating, and instituting such practices in the Region.
3. The City Council supports and endorses the WRELP and the Program as effective methods to help meet long-term regional economic and environmental goals.
4. The City Council approves the City's participation as a member city in the WRELP and the Program.
5. The City Council authorizes WRCOG to act on the City's behalf as necessary to further the WRELP's goals and objectives.
6. Paula Willette, Community Services Director, shall be designated to be the City's primary contact for both WRCOG and SCE and is authorized to act on behalf of the City in carrying out the Program. She shall be designated as the "Energy Champion.
7. With the assistance of SCE, WRCOG and the WRELP, the city will identify and support implementation of the Program's community energy efficiency and sustainability goals within its own municipal facilities.
8. The City Clerk shall attest as to the adoption and execution of this Resolution and cause the same to be maintained in the permanent records of the City.

PASSED, APPROVED, AND ADOPTED this 28th day of July, 2010.

Bridgette Moore, Mayor
By: Marsha Swanson, Mayor Pro Tem

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR – CITY COUNCIL

Agenda Item #1.8

CONSENT CALENDAR

Meeting Date: July 28, 2010

TO: Mayor and Council Members
FROM: Michael Kashiwagi, Development Services, Public Works
SUBJECT: Assignment and Assumption Agreement – Tract 31353 (D.R. Horton)

STAFF REPORT

RECOMMENDATION:

Approve the Agreement and Authorize the Mayor to enter into the Assignment and Assumption Agreement for Tract 31353.

BACKGROUND:

In December 2005, the original developers Rancho Vista II Ventures entered into a three party agreement with the County of Riverside and Riverside County Flood Control District which defined the flood control and storm drainage improvements which were to be constructed with the tract improvements and further defined the subsequent maintenance of those improvements (Exhibit “B”). Since that time, a new developer (DR Horton) has purchased to remaining lots and is required to assume the responsibilities and obligations of Rancho Vista II Ventures under the agreement. Additionally, with the City’s incorporation, the City has assumed the oversight and maintenance responsibilities previously defined as the County of Riverside’s responsibilities.

The Assignment and Assumption Agreement before the City Council (Exhibit “A”) is a five party agreement that recognizes the change in ownership to DR Horton and the change in jurisdiction to the City of Wildomar. This agreement:

1. Describes the terms and conditions by which DR Horton is assigned the prior developer’s obligations of designing and improving flood control and drainage facilities for Tract 31353;
2. Provides for the assumption of all rights and obligations by the City of Wildomar previously held by the County of Riverside under the prior agreement;
3. Provides for Flood Control to access their facilities for maintenance across and within the City’s rights-of-way upon acceptance of those facilities by Flood Control and the City, respectively.

In summary, DR Horton will be constructing flood control and storm drainage pipes within the tract boundaries and construct a temporary drainage channel on the west side of Palomar to provide an outlet to Wildomar channel. The District is obligated to review plans, inspect construction, and maintain their defined facilities and the City is obligated to inspect and maintain drainage inlets and pipelines not defined as Flood

Control Facilities. The off site interim channel maintenance remains with the developer, DR Horton.

FISCAL IMPACTS:

The costs associated with the inspection of City facilities will be reimbursed (total cost recovery) by the developer through plan check and inspection fees. The maintenance of the City drainage facilities, upon acceptance, will be provided within the Public Works Department's maintenance program.

ATTACHMENTS:

1. Exhibit A – Assignment and Assumption Agreement – Tract 31353
2. Exhibit B – Agreement between County Flood Control, County of Riverside and Rancho Vista II Ventures, regarding storm drainage improvements for Tract 31353.

Submitted by:

Approved by:

Mike Kashiwagi
Development Services

Frank Oviedo
City Manager

1 E. The totality of ASSIGNOR rights, title, interests, benefits and privileges pursuant
2 to AGREEMENT are hereinafter collectively called "ASSIGNOR RIGHTS" and the totality of
3 ASSIGNOR obligations pursuant to AGREEMENT are hereinafter collectively called
4 "ASSIGNOR OBLIGATIONS"; and

5 F. ASSIGNOR RIGHTS and ASSIGNOR OBLIGATIONS are hereinafter altogether
6 called "RIGHTS AND OBLIGATIONS"; and

7 G. ASSIGNOR, ASSIGNEE, CITY, COUNTY and DISTRICT intend that, by
8 execution of this ASSIGNMENT, ASSIGNEE shall assume all of ASSIGNOR RIGHTS AND
9 OBLIGATIONS.

10 H. CITY was incorporated on July 1, 2008, and has subsequently assumed many of
11 the responsibilities formerly performed by COUNTY; and

12 I. ASSIGNOR, ASSIGNEE, CITY, COUNTY and DISTRICT intend that, by
13 execution of this ASSIGNMENT, CITY shall assume all rights and obligations under
14 AGREEMENT from COUNTY; and

15 J. Under the terms of a separate services contract, COUNTY will continue to
16 perform, on behalf of CITY, certain duties in respect to AGREEMENT. These duties may
17 include but are not limited to plan review, construction inspection and bond management.

18 NOW, THEREFORE, the parties hereto do hereby mutually agree as follows:

19 1. The above Recitals are true and correct.

20 2. By execution of this ASSIGNMENT, ASSIGNOR hereby assigns all of their
21 RIGHTS AND OBLIGATIONS to ASSIGNEE.

22 3. For the benefit of CITY, COUNTY and DISTRICT, ASSIGNEE hereby ratifies
23 and agrees to be bound by the assignment of RIGHTS AND OBLIGATIONS set forth in
24 Paragraph 2 above.

25 4. ASSIGNEE agrees to complete construction of DISTRICT DRAINAGE
26 FACILITIES as detailed in AGREEMENT within twelve (12) consecutive months after execution
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1 of this Agreement and within one hundred twenty (120) consecutive calendar days after
2 commencing work on DISTRICT DRAINAGE FACILITIES.

3 5. In regard to the assignment of RIGHTS AND OBLIGATIONS set forth herein,
4 CITY, COUNTY and DISTRICT hereby consent to and hereby agree to be bound by (i) the
5 assignment of RIGHTS AND OBLIGATIONS in favor of ASSIGNEE, and (ii) the assumption by
6 ASSIGNEE of said RIGHTS AND OBLIGATIONS. In further clarification of the intent of the
7 parties, ASSIGNEE and ASSIGNOR specifically agree with DISTRICT that access and/or grant
8 of real property interests required by DISTRICT pursuant to AGREEMENT, if any, shall be
9 satisfied by ASSIGNEE, and in regard to all financial obligations DISTRICT shall invoice
10 ASSIGNEE for all charges incurred pursuant to AGREEMENT.

11 6. The assignment and assumption of RIGHTS AND OBLIGATIONS pursuant to
12 this Assignment shall be binding upon and inure to the benefit of the successors, assigns, personal
13 representatives, heirs and legatees of the respective parties hereto.

14 7. CITY shall assume all rights and obligation under AGREEMENT from COUNTY.

15 8. COUNTY shall not have any responsibilities under this ASSIGNMENT and shall
16 be relieved of all responsibilities set forth in AGREEMENT.

17 9. In the event that any action or suit by the party hereto is brought against another
18 party hereunder by reason of any breach of any of the covenants, conditions, agreements or
19 provisions on the part of the other party arising out of this ASSIGNMENT, the prevailing party
20 shall be entitled to have and recover of and from the other party all costs and expenses of the
21 action or suit, including reasonable attorneys' fees.

22 10. This ASSIGNMENT shall be governed by, interpreted under and construed in
23 accordance with the laws of the State of California.

24 11. Any and all notices sent or required to be sent to ASSIGNOR or ASSIGNEE
25 arising from either this ASSIGNMENT, or the obligations contained in AGREEMENT will be
26 mailed by first class mail, postage prepaid, to the following addresses:

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1 RIVERSIDE COUNTY FLOOD CONTROL
2 AND WATER CONSERVATION DISTRICT
3 1995 Market Street
4 Riverside, CA 92501
5 Attn: Administrative Services

CITY OF WILDOMAR
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
Attn: Director of Public Works

6 COUNTY OF RIVERSIDE
7 Post Office Box 1090
8 Riverside, CA 92502-1090
9 Attn: Transportation Department

10 RANCHO VISTA II VENTURES, LLC
11 c/o Geobilt Homes, Inc.
12 23161 Mill Creek Drive, Suite 315
13 Laguna Hills, CA 92653
14 Attn: George Meeker

D.R.HORTON LOS ANGELES
LOS ANGELES HOLDING
COMPANY, INC.
2280 Wardlow Circle, Suite 100
Corona, CA 92880
Attn: Daniel Boyd

15 12. Any action at law or in equity brought by any of the parties hereto for the purpose
16 of enforcing a right or rights provided for by this ASSIGNMENT, shall be tried in a court of
17 competent jurisdiction in the County of Riverside, State of California, and the parties hereto
18 waive all provisions of law providing for a change of venue in such proceedings to any other
19 county.

20 13. The individuals executing this ASSIGNMENT on behalf of ASSIGNOR and
21 ASSIGNEE hereby certify that they have the authority within their respective companies to enter
22 into and execute this ASSIGNMENT, and have been authorized to do so by any and all boards of
23 directors, legal counsel and/or any other board, committee or other entity within their respective
24 companies which have the authority to authorize or deny entering into this ASSIGNMENT.

25 14. This ASSIGNMENT may be executed in multiple counterparts, each of which
26 shall be deemed an original, but all of which together shall constitute but one and the same
27 instrument.

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By WARREN D. WILLIAMS
General Manager-Chief Engineer

By MARION ASHLEY, Chairman
Riverside County Flood Control and Water Conservation District Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

PAMELA J. WALLS
County Counsel
By NEAL KIPNIS
Deputy County Counsel

KECIA HARPER-IHEM
Clerk of the Board
By _____
Deputy

(SEAL)

RECOMMENDED FOR APPROVAL:

COUNTY OF RIVERSIDE

By JUAN C. PEREZ
Director of Transportation

By MARION ASHLEY, Chairman
County of Riverside Board of Supervisors

ATTEST:

KECIA HARPER-IHEM
Clerk of the Board

By _____
Deputy

(SEAL)

Assignment & Assumption Agreement: Tract No. 31353
KEC:bjj
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RECOMMENDED FOR APPROVAL: **CITY OF WILDOMAR**

By _____
MICHAEL KASHIWAGI
Director of Public Works & City Engineer

By _____
BRIDGETTE MOORE, Mayor

APPROVED AS TO FORM:

ATTEST:
DEBBIE A. LEE

By _____
JULIE HAYWARD BIGGS
City Attorney

By _____
City Clerk

(SEAL)

Assignment & Assumption Agreement: Tract No. 31353
KEC:blj
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ASSIGNOR

RANCHO VISTA II VENTURES, LLC
a Delaware limited liability company

By

GEOBILT HOMES, INC.
a California corporation
its affiliate member

By 
GEORGE MEEKER, JR.
President

(ATTACH NOTARY ACKNOWLEDGEMENT
WITH CAPACITY STATEMENT)

Assignment & Assumption Agreement: Tract No. 31353
KEC:blj
6/1/10

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

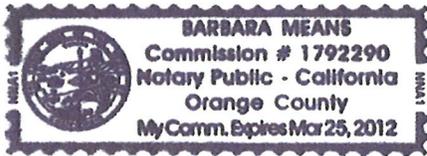
State of California

County of Orange

On 07.01.2010 before me, Barbara Means, Notary Public

personally appeared J.R. Meeker, Jr, President

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Barbara Means

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

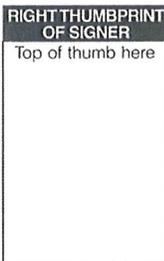
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

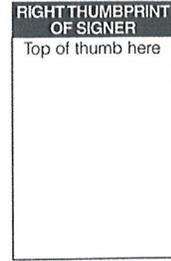
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

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



Signer Is Representing: _____

ASSIGNEE

**D.R. HORTON LOS ANGELES HOLDING
COMPANY, INC.,**
a California corporation

By 

STEPHEN H. FITZPATRICK
Division President

(ATTACH NOTARY ACKNOWLEDGEMENT
WITH CAPACITY STATEMENT)

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Assignment & Assumption Agreement: Tract No. 31353
KEC:bjj
6/1/10

ACKNOWLEDGMENT

State of California
County of RIVERSIDE

On June 30, 2010 before me, T. CASERMAN, NOTARY Public
(insert name and title of the officer)

personally appeared Stephen H. Fitzpatrick,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature T. Caserman (Seal)



**FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

10/20/04_4
Exhibit "B"

SUBJECT: Murrieta Valley – Greyhawk Road Storm Drain
Murrieta Valley – Seattle Ridge Road Storm Drain
Project Nos. 7-0-00232, 7-0-00233; Tract No. 31353
Cooperative Agreement

SUBMITTAL DATE: December 6, 2005
Page 2

BACKGROUND:

The Agreement is necessary to provide for District construction inspection of the referenced facilities associated with Tract No. 31353. Upon completion of the facilities' construction, the District will assume ownership, operation and maintenance of the mainline storm drains. The County will assume ownership, operation and maintenance of the associated catch basins, laterals and connector pipes located within its rights of way.

County Counsel has approved the Agreement as to legal form and the Developer has executed the Agreement. This matter is also on the County's Board Agenda for approval this same date.

The Developer is funding all construction and construction inspection costs. In addition, the Developer is making a one-time payment to the District's Zone 7 Maintenance Trust Fund to defray future District operation and maintenance costs.

JPS:MHW:bjj

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

FREE RECORDING

This instrument is for the benefit of the Riverside County
Flood Control and Water Conservation District and should
Be recorded without a fee pursuant to Govt. Code 6103.

AND WHEN RECORDED MAIL TO:

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
1995 MARKET STREET
RIVERSIDE, CA 92501-1770

DOC # 2005-1035675

12/15/2005 08:00A Fee:NC

Page 1 of 28

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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AGREEMENT

Title of Document

PROJECT: Murrieta Valley - Greyhawk Road Storm Drain
Murrieta Valley - Seattle Ridge Road Storm Drain

PROJECT NO: 7-0-00232, 7-0-00233

TRACT MAP NO: 31353

DEVELOPER: Rancho Vista II Ventures, LLC

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(\$3.00 Additional Recording Fee Applies)

AGREEMENT

Murrieta Valley – Greyhawk Road Storm Drain
Murrieta Valley – Seattle Ridge Road Storm Drain

(Tract No. 31353)

The RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, hereinafter called "DISTRICT", the COUNTY OF RIVERSIDE, hereinafter called "COUNTY", and RANCHO VISTA II VENTURES, LLC, a Delaware limited liability company, hereinafter called "DEVELOPER", hereby agree as follows:

RECITALS

A. DEVELOPER has submitted for approval Tract No. 31353 in western Riverside County and as a condition for approval DEVELOPER must construct certain flood control facilities in order to provide flood protection and drainage for DEVELOPER'S planned development; and

B. The required flood control facilities include construction of (i) approximately 1,480 lineal feet of underground storm drain system and an associated inlet, hereinafter called "GREYHAWK ROAD STORM DRAIN", as shown in concept in blue on Exhibit "A" attached hereto and made a part hereof, (ii) approximately 1,600 lineal feet of underground storm drain system and an associated inlet, hereinafter called "SEATTLE RIDGE ROAD STORM DRAIN", as shown in concept in red on Exhibit "A" and (iii) a graded earth outlet channel, hereinafter called "INTERIM CHANNEL", as shown in concept in orange on Exhibit "A". Together, GREYHAWK ROAD STORM DRAIN and SEATTLE RIDGE ROAD STORM DRAIN are hereinafter called "PROJECT". At its downstream terminus, SEATTLE RIDGE ROAD STORM DRAIN connects to GREYHAWK ROAD STORM DRAIN. At its downstream terminus, GREYHAWK ROAD STORM DRAIN drains into INTERIM CHANNEL; and



1 C. Associated with the construction of PROJECT is the construction of certain
2 catch basins, laterals and connector pipes located within COUNTY held easements or rights of
3 way, hereinafter called "APPURTENANCES"; and

4 D. DEVELOPER and COUNTY desire DISTRICT to accept ownership and
5 responsibility for the operation and maintenance of PROJECT. Therefore, DISTRICT must
6 review and approve DEVELOPER'S plans and specifications and subsequently inspect the
7 construction of PROJECT; and

8 E. DEVELOPER and DISTRICT desire COUNTY to accept ownership and
9 responsibility for the operation and maintenance of APPURTENANCES. Therefore, COUNTY
10 must review and approve DEVELOPER'S plans and specifications and subsequently inspect the
11 construction of APPURTENANCES; and

12 F. DISTRICT is willing to (i) review and approve DEVELOPER'S plans and
13 specifications for PROJECT, INTERIM CHANNEL and APPURTENANCES, (ii) inspect the
14 construction of PROJECT, and (iii) accept ownership and responsibility for the operation and
15 maintenance of PROJECT, provided DEVELOPER (i) complies with this Agreement, (ii) pays
16 DISTRICT the amounts specified herein to cover DISTRICT'S plan review and construction
17 inspection costs for PROJECT, (iii) pays DISTRICT the amount specified herein to cover
18 DISTRICT'S estimated cost to operate and maintain PROJECT for a period of ten (10) years
19 commencing upon DISTRICT'S acceptance of PROJECT as complete for ownership, operation
20 and maintenance, (iv) constructs PROJECT, INTERIM CHANNEL and APPURTENANCES in
21 accordance with plans and specifications approved by DISTRICT and COUNTY, (v) obtains all
22 necessary permits, regulatory permits, licenses and rights of entry as set forth herein, (vi) accepts
23 ownership and sole responsibility for the operation and maintenance of INTERIM CHANNEL,
24 (vii) accepts ownership and responsibility for the operation and maintenance of PROJECT and
25 APPURTENANCES following completion of PROJECT construction until such time as
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DISTRICT accepts ownership and responsibility for the operation and maintenance of PROJECT and COUNTY accepts ownership and responsibility for the operation and maintenance of APPURTENANCES, and (viii) obtains and conveys to DISTRICT the necessary rights of way for the inspection, operation and maintenance of PROJECT as set forth herein; and

G. COUNTY is willing to (i) review and approve plans and specifications prepared by DEVELOPER for PROJECT, INTERIM CHANNEL and APPURTENANCES, (ii) inspect the construction of APPURTENANCES, (iii) accept and hold faithful performance and payment bonds submitted by DEVELOPER for PROJECT, (iv) grant DISTRICT the right to inspect, operate and maintain PROJECT within COUNTY rights of way, (v) consent to the recordation and conveyance of Irrevocable Offer(s) of Dedication furnished by DEVELOPER as provided herein, and (vi) accept ownership and responsibility for the operation and maintenance of APPURTENANCES, provided PROJECT and APPURTENANCES are constructed in accordance with plans and specifications approved by DISTRICT and COUNTY.

NOW, THEREFORE, the parties hereto mutually agree as follows:

SECTION I

DEVELOPER shall:

1. Prepare plans and specifications for PROJECT, INTERIM CHANNEL and APPURTENANCES, hereinafter called "IMPROVEMENT PLANS", in accordance with DISTRICT and COUNTY standards, and submit to DISTRICT and COUNTY for their review and approval.

2. Continue to pay DISTRICT, within thirty (30) days after receipt of periodic billings from DISTRICT, any and all such amounts as are deemed reasonably necessary by DISTRICT to cover DISTRICT'S costs associated with the review of IMPROVEMENT PLANS, review and approval of right of way and conveyance documents, and with the processing and administration of this Agreement.



1 3. Deposit with DISTRICT (Attention: Business Office – Accounts
2 Receivable), at the time of providing written notice to DISTRICT of the start of PROJECT
3 construction as set forth in Section I.8. herein, the estimated cost of providing construction
4 inspection for PROJECT, in an amount as determined and approved by DISTRICT in accordance
5 with Ordinance Nos. 671 and 749 of the County of Riverside, including any amendments thereto,
6 based upon the bonded value of PROJECT facilities to be inspected, operated and maintained by
7 DISTRICT.

8 4. Pay DISTRICT, upon execution of this Agreement, the one time cash sum
9 of eighty one thousand one hundred thirty-nine dollars (\$81,139.00), the amount agreed upon to
10 cover DISTRICT'S estimated cost to operate and maintain DISTRICT'S portion of PROJECT
11 for a period of ten (10) years (Zone 7 – Maintenance Trust Fund) commencing upon
12 DISTRICT'S acceptance of PROJECT as complete for ownership, operation and maintenance.

13 5. Secure, at its sole cost and expense, all necessary licenses, agreements,
14 permits and rights of entry as may be needed for the construction, inspection, operation and
15 maintenance of PROJECT. DEVELOPER shall furnish DISTRICT, at the time of providing
16 written notice to DISTRICT of the start of construction as set forth in Section I.8. herein, or not
17 less than twenty (20) days prior to recordation of the final maps for Tract No. 31353 or any
18 phase thereof, whichever occurs first, with sufficient evidence of DEVELOPER having secured
19 such necessary licenses, agreements, permits and rights of entry, as determined and approved by
20 DISTRICT.

21 6. Furnish DISTRICT with copies of all permits, approvals or agreements
22 required by any Federal or State resource and/or regulatory agency for the construction,
23 operation and maintenance of PROJECT. Such documents include but are not limited to those
24 issued by the U.S. Army Corps of Engineers, California Regional Water Quality Control Board,
25 California State Department of Fish and Game and State Water Resources Control Board,
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1 7. Provide COUNTY, at the time of providing written notice to DISTRICT of
2 the start of construction as set forth in Section I.8. herein, or not less than twenty (20) days prior
3 to recordation of the final maps for Tract No. 31353 or any phase thereof, whichever occurs first,
4 with faithful performance and payment bonds, each in the amount of 100% of the estimated cost
5 for construction of PROJECT facilities as determined by DISTRICT. The surety, amount and
6 form of the bonds shall be subject to the approval of DISTRICT and COUNTY. The bonds shall
7 remain in full force and effect until PROJECT is accepted by DISTRICT as complete; at which
8 time the bond amount may be reduced to 10% for a period of one year to guarantee against any
9 defective work, labor or materials.

10 8. Notify DISTRICT in writing (Attention: Administrative Services Section),
11 at least twenty (20) days prior to the start of construction of PROJECT. Construction shall not
12 begin on any element of PROJECT, for any reason whatsoever, until DISTRICT has issued to
13 DEVELOPER a written Notice to Proceed authorizing DEVELOPER to initiate PROJECT
14 construction.

15 9. Grant DISTRICT, by execution of this Agreement, the right to enter upon
16 DEVELOPER'S property where necessary and convenient for the purpose of gaining access to,
17 and performing inspection service for, the construction of PROJECT as set forth herein.

18 10. Obtain and provide DISTRICT, at the time of providing written notice to
19 DISTRICT of the start of construction of PROJECT as set forth in Section I.8. herein, or not less
20 than twenty (20) days prior to the recordation of the final maps for Tract No. 31353 or any phase
21 thereof, whichever occurs first, with duly executed Irrevocable Offers(s) of Dedication to the
22 public for flood control and drainage purposes, including ingress and egress, for the rights of
23 way deemed necessary by DISTRICT for the construction, inspection, operation and
24 maintenance of PROJECT, as shown in concept cross-hatched in blue, in red and in green on
25 Exhibit "B" attached hereto and made a part hereof. The Irrevocable Offer(s) of Dedication shall
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1 17. Furnish DISTRICT, at the time of providing written notice to DISTRICT of
2 the start of construction as set forth in Section I.8. herein, a confined space procedure specific to
3 PROJECT. The procedure shall comply with requirements contained in California Code of
4 Regulations, Title 8 Section 5158, Other Confined Space Operations, Section 5157, Permit
5 Required Confined Space and DISTRICT Confined Space Procedures, SOM-18. The procedure
6 shall be reviewed and approved by DISTRICT prior to the issuance of a Notice to Proceed.

7 18. During the construction period of PROJECT, provide Workers'
8 Compensation Insurance in an amount required by law. A certificate of said insurance policy
9 shall be provided to DISTRICT and COUNTY at the time of providing written notice pursuant to
10 Section I.8.
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12 19. Commencing on the date notice is given pursuant to Section I.8. and
13 continuing until DISTRICT accepts PROJECT for operation and maintenance:

- 14 (a) Provide and maintain or cause its contractor(s) to provide and maintain
15 comprehensive liability insurance coverage which shall protect
16 DEVELOPER from claim from damages for personal injury,
17 including accidental and wrongful death, as well as from claims for
18 property damage which may arise from DEVELOPER'S construction
19 of PROJECT or the performance of its obligations hereunder, whether
20 such construction or performance be by DEVELOPER, by any of its
21 contractors, subcontractors, or by anyone employed directly or
22 indirectly by any of them. Such insurance shall name DISTRICT and
23 COUNTY as additional insureds with respect to this Agreement and
24 the obligations of DEVELOPER hereunder. Such insurance shall
25 provide for limits of not less than two million dollars (\$2,000,000)
26 per occurrence.
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(b) Cause its insurance carrier(s) or its contractor's insurance carrier(s), who shall be authorized by the California Department of Insurance to transact the business of insurance in the State of California, to furnish DISTRICT and COUNTY at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8. with certificate(s) of insurance and applicable policy endorsements showing that such insurance is in full force and effect and that DISTRICT and COUNTY are named as additional insureds with respect to this Agreement and the obligations of DEVELOPER hereunder. Further, said certificate(s) shall state that the issuing company shall give DISTRICT and COUNTY sixty (60) days written notice in the event of any cancellation, termination, non-renewal or reduction in coverage of the policies evidenced by the certificate(s). In the event of any such cancellation, termination, non-renewal or reduction in coverage, DEVELOPER shall, forthwith, secure replacement insurance meeting the provisions of this paragraph.

Failure to maintain the insurance required by this paragraph shall be deemed a material breach of this Agreement and shall authorize and constitute authority for DISTRICT, at its sole discretion, to proceed to perform the remaining work pursuant to Section IV.3.

20. Construct, or cause to be constructed, PROJECT, INTERIM CHANNEL and APPURTENANCES at DEVELOPER'S sole cost and expense in accordance with DISTRICT and COUNTY approved IMPROVEMENT PLANS.

21. Within two (2) weeks of completing PROJECT construction, provide DISTRICT with written notice (Attention: Contract Administration Section) that PROJECT



1 be in a form approved by DISTRICT and shall be executed by all legal and equitable owners of
2 the property described in the offer(s).

3 11. Furnish DISTRICT, when submitting the Irrevocable Offer(s) of Dedication
4 as set forth in Section I.10. with Preliminary Reports on Title dated not more than thirty (30)
5 days prior to date of submission of all the property described in the Irrevocable Offer(s) of
6 Dedication.

7 12. Furnish DISTRICT, at the time of providing written notice to DISTRICT of
8 the start of construction as set forth in Section I.8. with a complete list of all contractors and
9 subcontractors to be performing work on PROJECT, including the corresponding license number
10 and license classification of each. At such time, DEVELOPER shall further identify in writing
11 its designated superintendent for PROJECT construction.

12 13. Furnish DISTRICT, at the time of providing written notice to DISTRICT of
13 the start of construction as set forth in Section I.8. a construction schedule which shall show the
14 order and dates in which the DEVELOPER or DEVELOPER'S contractor proposes to carry on
15 the various parts of work, including estimated start and completion dates. As PROJECT
16 construction progresses, DEVELOPER shall update said construction schedule as requested by
17 DISTRICT.
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19 14. Furnish DISTRICT with final mylar IMPROVEMENT PLANS and assign
20 their ownership to DISTRICT prior to the start of PROJECT construction.

21 15. Not permit any change to or modification of the IMPROVEMENT PLANS
22 without the prior written permission and consent of DISTRICT.
23

24 16. Comply with all Cal/OSHA safety regulations including regulations
25 concerning confined space and maintain a safe working environment for DEVELOPER and
26 DISTRICT employees on the site.
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1 construction is substantially complete and requesting that DISTRICT conduct a final inspection
2 of PROJECT.

3 22. Upon completion of PROJECT construction, and upon acceptance by
4 COUNTY of all street rights of way deemed necessary by DISTRICT and COUNTY for the
5 operation and maintenance of PROJECT, but prior to DISTRICT acceptance of PROJECT for
6 ownership, operation and maintenance, convey, or cause to be conveyed to DISTRICT flood
7 control easement(s), including ingress and egress, in a form approved by DISTRICT, for the
8 rights of way as shown in concept cross-hatched in blue and in red on Exhibit "B".

9 23. At the time of recordation of the conveyancing document(s) as set forth in
10 Section I.22., furnish DISTRICT with policies of title insurance, each in the amount of not less
11 than fifty percent (50%) of the estimated fee value, as determined by DISTRICT, for each
12 easement parcel to be conveyed to DISTRICT, guaranteeing DISTRICT'S interest in said
13 property as being free and clear of all liens, encumbrances, assessments, easements, taxes and
14 leases (recorded or unrecorded), except those which, in the sole discretion of DISTRICT, are
15 deemed acceptable.
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17 24. [This Section Intentionally Left Blank.]
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19 25. Accept ownership and sole responsibility for the operation and maintenance
20 of PROJECT and APPURTENANCES until such time as DISTRICT accepts ownership and
21 responsibility for operation and maintenance of PROJECT and COUNTY accepts ownership and
22 responsibility for operation and maintenance of APPURTENANCES. Further, it is mutually
23 understood by the parties hereto that prior to DISTRICT acceptance of ownership and
24 responsibility for the operation and maintenance of PROJECT, PROJECT shall be in a
25 satisfactorily maintained condition as solely determined by DISTRICT.
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27 26. Accept ownership and sole responsibility for the operation and maintenance
28 of INTERIM CHANNEL.



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27. Pay, if suit is brought upon this Agreement or any bond guaranteeing the completion of PROJECT, all costs and reasonable expenses and fees, including reasonable attorneys' fees, and acknowledge that, upon entry of judgment, all such costs, expenses and fees shall be computed as costs and included in any judgment rendered.

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28. Upon completion of construction of PROJECT, but prior to DISTRICT acceptance of PROJECT for ownership, operation and maintenance, DEVELOPER'S civil engineer of record or construction civil engineer of record, duly registered in the State of California, shall provide DISTRICT a redlined "as-built" copy of IMPROVEMENT PLANS. After DISTRICT approval of the redlined "as-built" drawings, DEVELOPER'S engineer shall schedule with DISTRICT a time to transfer the redlined changes onto DISTRICT'S original mylars at DISTRICT'S office, after which the engineer shall review, stamp and sign PROJECT plans "AS-BUILT".

14 SECTION II

15 DISTRICT shall:

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1. Review and approve IMPROVEMENT PLANS prepared by DEVELOPER prior to the start of PROJECT construction.
 2. Provide COUNTY an opportunity to review and approve IMPROVEMENT PLANS prior to DISTRICT'S final approval.
 3. Upon execution of this Agreement, record or cause to be recorded, a copy of this Agreement in the Official Records of the Riverside County Recorder.
 4. Record, or cause to be recorded, the Irrevocable Offer(s) of Dedication provided by DEVELOPER pursuant to Section I.10.
 5. Inspect PROJECT construction.



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6. Keep an accurate accounting of all DISTRICT costs associated with the review and approval of IMPROVEMENT PLANS, the review and approval of right of way and conveyance documents and the processing and administration of this Agreement.

7. Keep an accurate accounting of all DISTRICT construction inspection costs, and within forty-five (45) days after DISTRICT acceptance of PROJECT as being complete, submit a final cost statement to DEVELOPER. If the deposit, as set forth in Section I.3. exceeds such costs, DISTRICT shall reimburse DEVELOPER the excess amount within sixty (60) days after DISTRICT acceptance of PROJECT as being complete. If at any time the costs exceed the deposit or are anticipated by DISTRICT to exceed the deposit, DEVELOPER shall pay such additional amount(s), as deemed reasonably necessary by DISTRICT to complete PROJECT, within thirty (30) days after receipt of billing from DISTRICT.

8. Accept ownership and sole responsibility for the operation and maintenance of PROJECT upon (i) DISTRICT acceptance of PROJECT construction as being complete, (ii) recordation of all conveyancing documents described in Section I.22. and (iii) acceptance by COUNTY of all necessary street rights of way as deemed necessary by DISTRICT and COUNTY for the operation and maintenance of PROJECT and APPURTENANCES.

9. Provide COUNTY with a reproducible duplicate copy of "as-built" IMPROVEMENT PLANS upon DISTRICT acceptance of PROJECT as being complete.

SECTION III

COUNTY shall:

1. Review and approve IMPROVEMENT PLANS prior to the start of PROJECT construction.

2. Accept the COUNTY and DISTRICT approved faithful performance and payment bonds submitted by DEVELOPER as set forth in Section I.7. and hold said bonds as provided herein.



1 calendar days after commencing work on PROJECT. It is expressly understood that since time is
2 of the essence in this Agreement, failure of DEVELOPER to perform the work within the agreed
3 upon time shall constitute authority for DISTRICT to perform the remaining work and require
4 DEVELOPER'S surety to pay to COUNTY the penal sum of any and all bonds. In which case,
5 COUNTY shall subsequently reimburse DISTRICT for DISTRICT costs incurred.

6 4. DEVELOPER and DISTRICT knowingly and voluntarily, waive the
7 provisions of Government Code Section 65913.8, relating to fees and charges for PROJECT.
8 Such waiver is accomplished with the understanding that DISTRICT is voluntarily undertaking
9 the obligation to accept ownership and responsibility for the operation and maintenance of
10 PROJECT, and DEVELOPER is not required by DISTRICT to enter into this Agreement.
11

12 5. DISTRICT shall endeavor to issue DEVELOPER a Notice to Proceed
13 within twenty (20) days of receipt of DEVELOPER'S complete written notice as set forth in
14 Section I.8.; however, DISTRICT'S construction inspection staff is limited and, therefore, the
15 issuance of a Notice to Proceed is subject to staff availability.

16 In the event DEVELOPER wishes to expedite issuance of a Notice to
17 Proceed, DEVELOPER may elect to furnish an independent qualified construction inspector at
18 DEVELOPER'S sole cost and expense. DEVELOPER shall furnish appropriate documentation
19 of the individual's credentials and experience to DISTRICT for review and, if appropriate,
20 approval. DISTRICT shall review the individual's qualifications and experience and, upon
21 approval thereof, said individual, hereinafter called "DEPUTY INSPECTOR", shall be
22 authorized to act on DISTRICT'S behalf on all PROJECT construction and quality control
23 matters. If DEVELOPER'S initial construction inspection deposit furnished pursuant to Section
24 I.3. exceeds five thousand dollars (\$5,000.00), DISTRICT shall refund to DEVELOPER up to
25 eighty percent (80%) of DEVELOPER'S initial inspection deposit within forty-five (45) days of
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1 DISTRICT'S approval of DEPUTY INSPECTOR; however, a minimum balance of five
2 thousand dollars (\$5,000.00) shall be retained on account.

3 6. PROJECT construction work shall be on a five (5) day, forty (40) hour work
4 week with no work on Saturdays, Sundays or DISTRICT designated legal holidays, unless
5 otherwise approved in writing by DISTRICT. If DEVELOPER feels it is necessary to work
6 more than the normal forty (40) hour work week or on holidays, DEVELOPER shall make a
7 written request for permission from DISTRICT to work the additional hours. The request shall
8 be submitted to DISTRICT at least seventy-two (72) hours prior to the requested additional work
9 hours and state the reasons for the overtime and the specific time frames required. The decision
10 of granting permission for overtime work shall be made by DISTRICT at its sole discretion and
11 shall be final. If permission is granted by DISTRICT, DEVELOPER will be charged the cost
12 incurred at the overtime rates for additional inspection time required in connection with the
13 overtime work in accordance with Ordinance Nos. 671 and 749, including any amendments
14 thereto, of the County of Riverside.

16 7. DISTRICT and DEVELOPER each pledge to cooperate in regard to the
17 operation and maintenance of their respective facilities as set forth herein and to discharge their
18 respective maintenance responsibilities in an expeditious fashion so as to avoid the creation of
19 any nuisance condition or undue maintenance impact upon the others' facilities.

21 8. In the event that any claim or legal action is brought against DISTRICT or
22 COUNTY in connection with this Agreement because of the actual or alleged acts or omissions
23 by DEVELOPER, including but not limited to design, construction or failure of PROJECT,
24 DEVELOPER shall defend, indemnify and hold DISTRICT and COUNTY harmless therefrom,
25 without cost to DISTRICT or COUNTY. Upon DEVELOPER'S failure to do so, DISTRICT and
26 COUNTY shall be entitled to recover from DEVELOPER all of their costs and expenses,
27 including, but not limited to, reasonable attorneys' fees.
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1 9. DEVELOPER shall defend, indemnify and hold DISTRICT and COUNTY,
 2 their respective officers, agents, employees and independent contractors free and harmless from
 3 any claim or legal action whatsoever, based or asserted, pursuant to Article I, Section 19 of the
 4 California Constitution, the Fifth Amendment of the United States Constitution, or any other law
 5 or ordinance which seeks to impose any other liability or damage caused by the diversion of the
 6 waters from the natural drainage patterns, save and except claims and litigation arising through
 7 the negligence or willful misconduct of DISTRICT or COUNTY, which claims shall be shared
 8 by the parties on a pro rata basis based on their respective responsibilities. DEVELOPER shall
 9 defend DISTRICT and COUNTY without cost to DISTRICT or COUNTY, and upon
 10 DEVELOPER'S failure to do so, DISTRICT and COUNTY shall be entitled to recover from
 11 DEVELOPER all of their costs and expenditures, including, but not limited to, reasonable
 12 attorneys' fees.
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14 10. DEVELOPER for itself, its successors and assigns hereby releases
 15 DISTRICT and COUNTY, their respective officers, agents, and employees from any and all
 16 claims, demands, actions, or suits of any kind arising out of any liability, known or unknown,
 17 present or future, including, but not limited to any claim or liability, based or asserted, pursuant
 18 to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States
 19 Constitution, or any other law or ordinance which seeks to impose any other liability or damage,
 20 whatsoever, for damage caused by the discharge of drainage within or from PROJECT. Nothing
 21 contained herein shall constitute a release by DEVELOPER of DISTRICT or COUNTY, their
 22 officers, agents and employees from any and all claims, demands, actions or suits of any kind
 23 arising out of any liability, known or unknown, present or future, for the negligent maintenance
 24 of PROJECT and APPURTENANCES, after the acceptance of PROJECT and
 25 APPURTENANCES by DISTRICT and COUNTY, respectively.
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11. Any waiver by DISTRICT or by COUNTY of any breach of any one or more of the terms of this Agreement shall not be construed to be a waiver of any subsequent or other breach of the same or of any other term hereof. Failure on the part of DISTRICT or COUNTY to require exact, full and complete compliance with any terms of this Agreement shall not be construed as in any manner changing the terms hereof, or estopping DISTRICT or COUNTY from enforcement hereof.

12. If any provision in this Agreement (with the exception of Section IV.4.) is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way. Should it be held by a court of competent jurisdiction that any portion of Section IV.4. is invalid, void, or unenforceable, the provisions of Government Code 65913.8(b) shall apply. It shall, therefore, be determined that this fee is extended for a period of ten years, commencing upon DISTRICT'S acceptance of PROJECT for ownership, operation and maintenance.

13. This Agreement is to be construed in accordance with the laws of the State of California.

14. Any and all notices sent or required to be sent to the parties of this Agreement will be mailed by first class mail, postage prepaid, to the following addresses:

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
1995 Market Street
Riverside, CA 92501

COUNTY OF RIVERSIDE
Post Office Box 1090
Riverside, CA 92502-1090
Attn: Transportation Department

RANCHO VISTA II VENTURES, LLC
14 Hughes, Suite B-104
Irvine, CA 92660
Attn: Cindy Scordo

15. Any action at law or in equity brought by any of the parties hereto for the purpose of enforcing a right or rights provided for by the Agreement, shall be tried in a court of competent jurisdiction in the County of Riverside, State of California, and the parties hereto



1 waive all provisions of law providing for a change of venue in such proceedings to any other
2 county.

3 16. This Agreement is the result of negotiations between the parties hereto, and
4 the advice and assistance of their respective counsel. The fact that this Agreement was prepared
5 as a matter of convenience by DISTRICT shall have no import or significance. Any uncertainty
6 or ambiguity in this Agreement shall not be construed against DISTRICT because DISTRICT
7 prepared this Agreement in its final form.

8 17. The rights and obligations of DEVELOPER shall inure to and be binding
9 upon all heirs, successors and assignees.

10 18. DEVELOPER shall not assign or otherwise transfer any of its rights, duties
11 or obligations hereunder to any person or entity without the written consent of the other parties
12 hereto being first obtained. In the event of any such transfer or assignment, DEVELOPER
13 expressly understands and agrees that it shall remain liable with respect to any and all of the
14 obligations and duties contained in this Agreement.

15 19. The individual(s) executing this Agreement on behalf of DEVELOPER
16 hereby certify that they have the authority within their respective company(ies) to enter into and
17 execute this Agreement, and have been authorized to do so by any and all boards of directors,
18 legal counsel, and or any other board, committee or other entity within their respective
19 company(ies) which have the authority to authorize or deny entering this Agreement.

20 20. This Agreement is intended by the parties hereto as a final expression of
21 their understanding with respect to the subject matter hereof and as a complete and exclusive
22 statement of the terms and conditions thereof and supersedes any and all prior and
23 contemporaneous agreements and understandings, oral or written, in connection therewith. This
24 Agreement may be changed or modified only upon the written consent of the parties hereto.
25
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27

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement on
DEC - 6 2005

(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

By Warren D. Williams
WARREN D. WILLIAMS
General Manager-Chief Engineer

By Jeff Stone
Jeff Stone Vice-Chairman
Riverside County Flood Control and Water
Conservation District Board of Supervisors

ATTEST:

NANCY ROMERO
Clerk of the Board

By Schlemmer
Deputy

(SEAL)

RECOMMENDED FOR APPROVAL:

COUNTY OF RIVERSIDE

By George A. Johnson
GEORGE A. JOHNSON
Director of Transportation

By Bob Buster
Bob Buster, Vice-Chairman
County of Riverside Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

WILLIAM C. KATZENSTEIN
County Counsel

NANCY ROMERO
Clerk of the Board

By Lee A. Vinocour
LEE A. VINOUCOUR
Deputy County Counsel

By Schlemmer
Deputy

Dated DEC - 6 2005

(SEAL)

Cooperative Agreement: TR 31353
JPS:blj
10/3/05

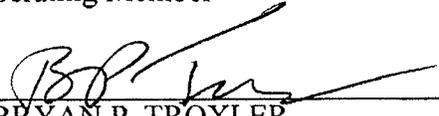


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RANCHO VISTA II VENTURES, LLC
a Delaware limited liability company

By: TROXLER RESIDENTIAL VENTURES
XVII, LLC
a Delaware limited liability company,
Its Managing Member

By: TROXLER VENTURES PARTNERS, INC.
a California corporation,
Its Operating Member

By 
BRYAN P. TROXLER
President

(NOTARY)

Cooperative Agreement: TR 31353
JPS:blj
10/3/05

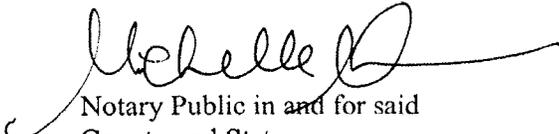


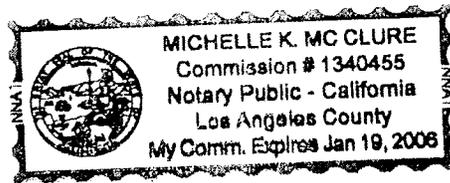
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12/15/2005 08:00A
20 of 28

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On November 1, 2005, before me, Michelle K. McClure, Notary Public, personally appeared Bryan P. Troxler, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

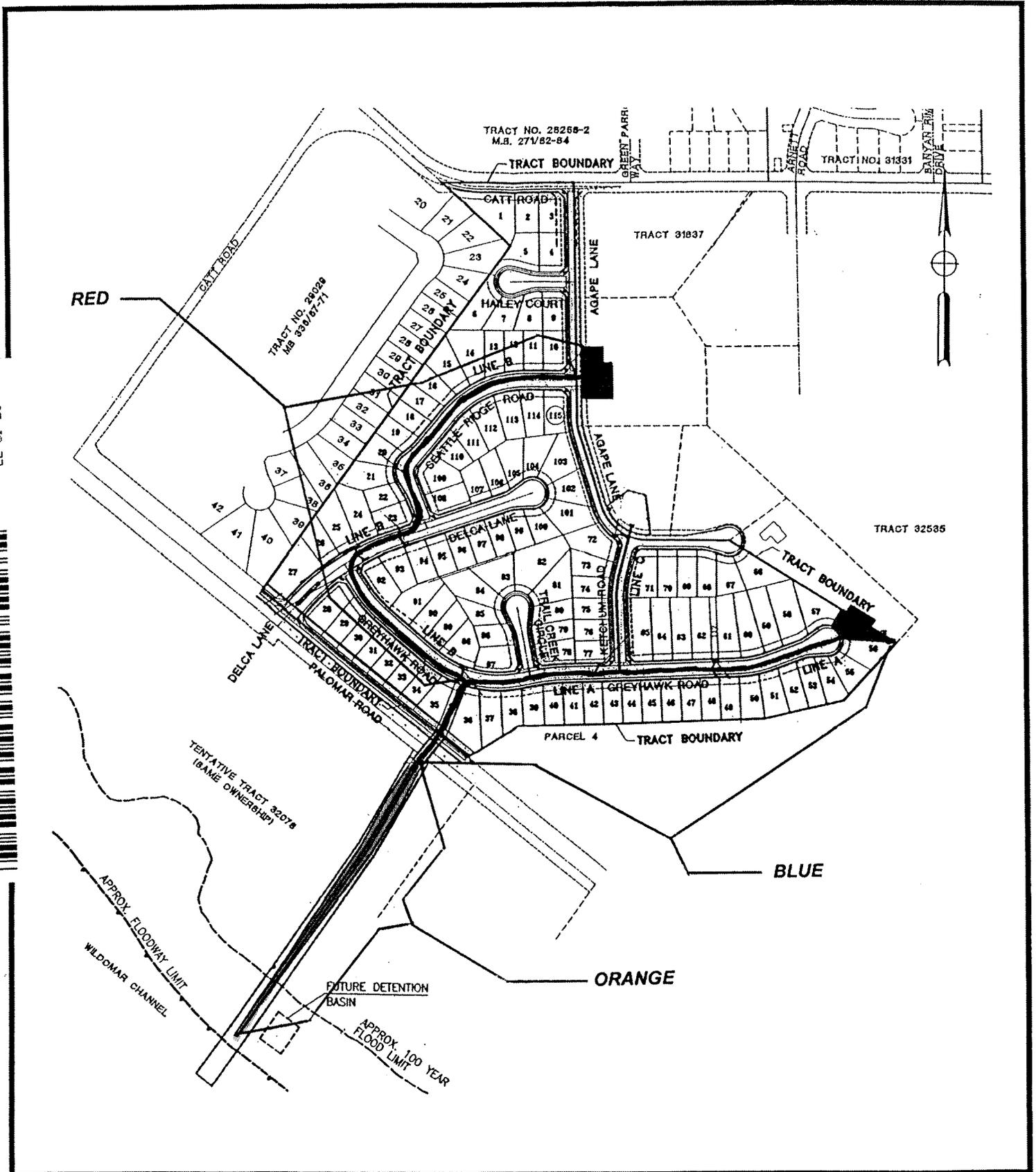

Notary Public in and for said
County and State



(SEAL)

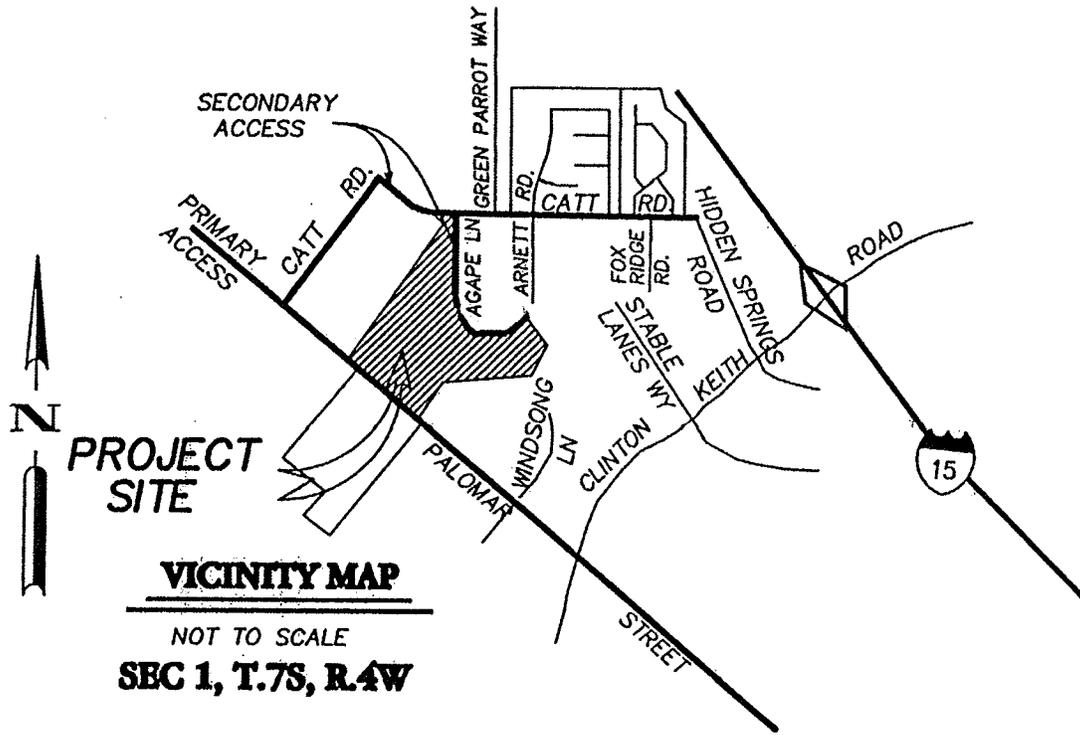


Exhibit A



Cooperative Agreement
Tract No. 31353

Exhibit A

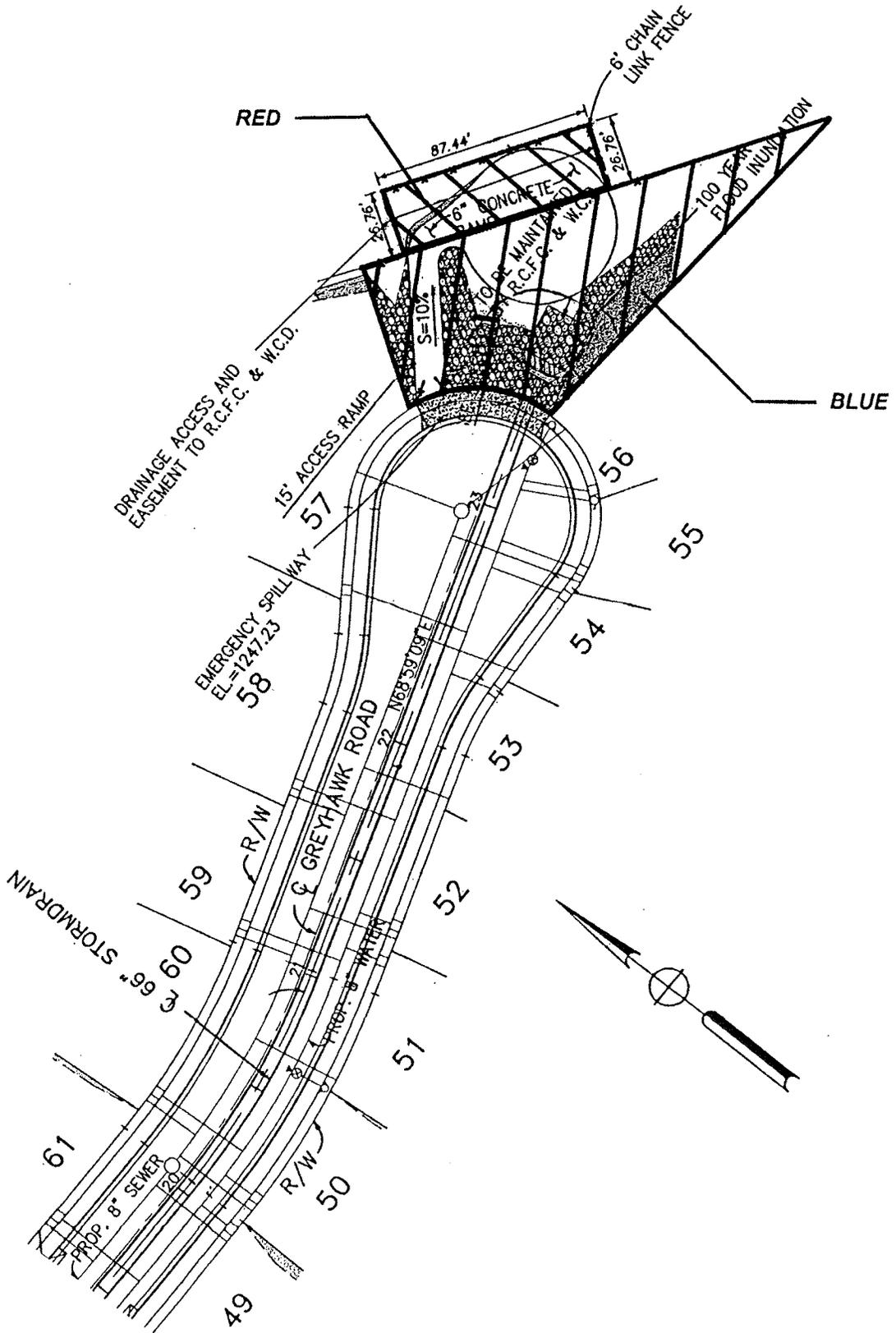


VICINITY MAP
NOT TO SCALE
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23 of 28

Exhibit B



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Exhibit B

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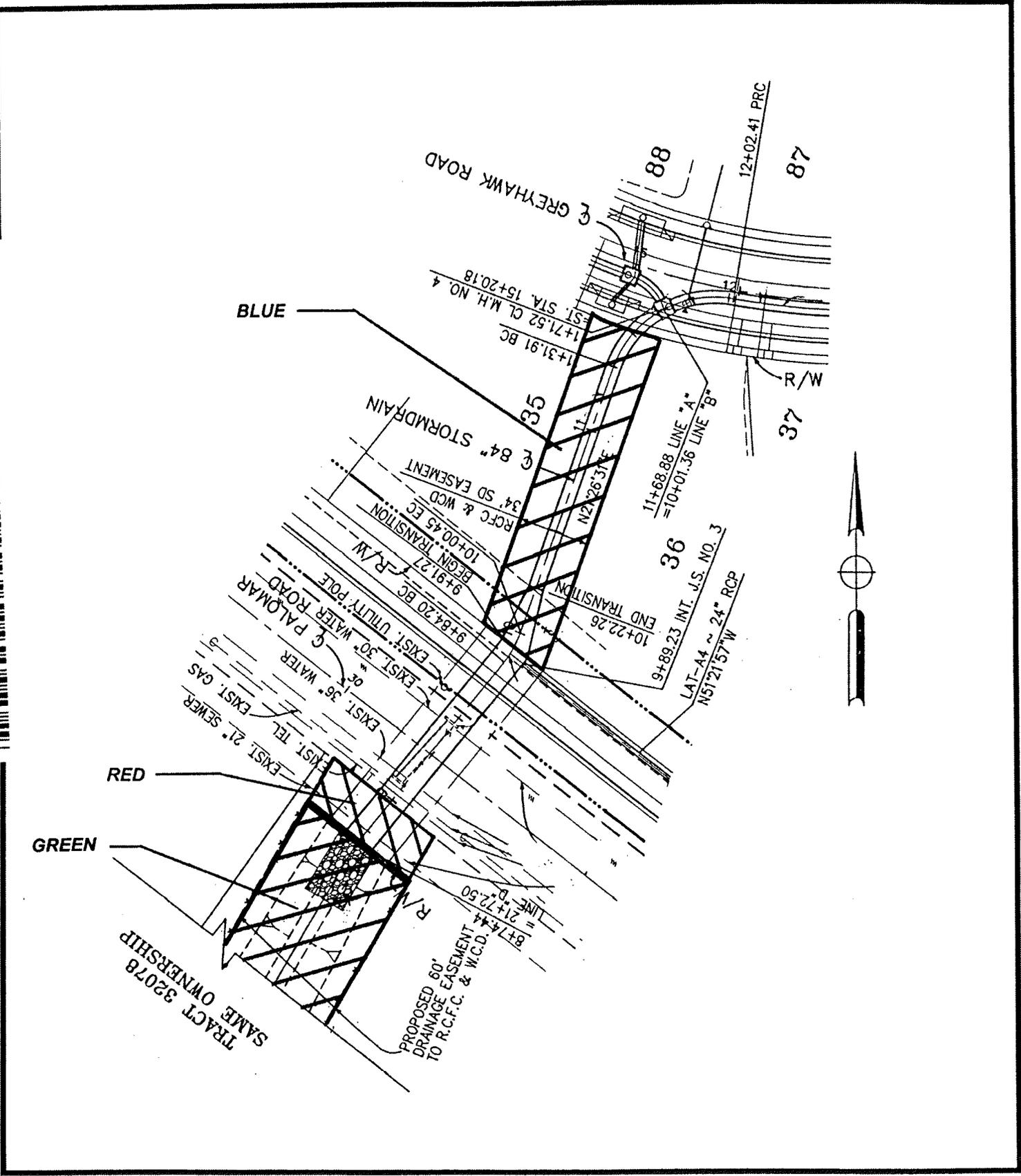


Exhibit B

27 of 28

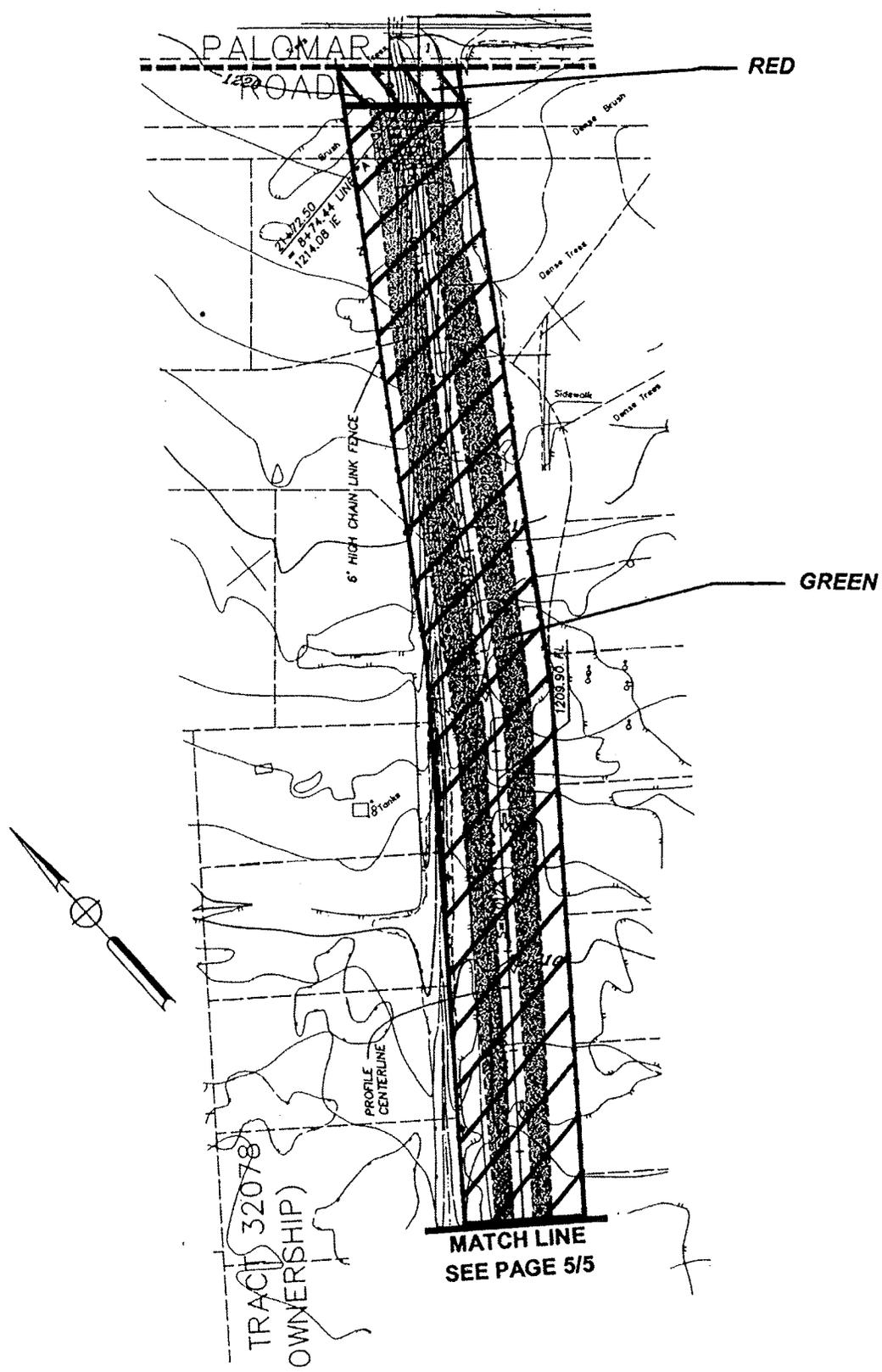
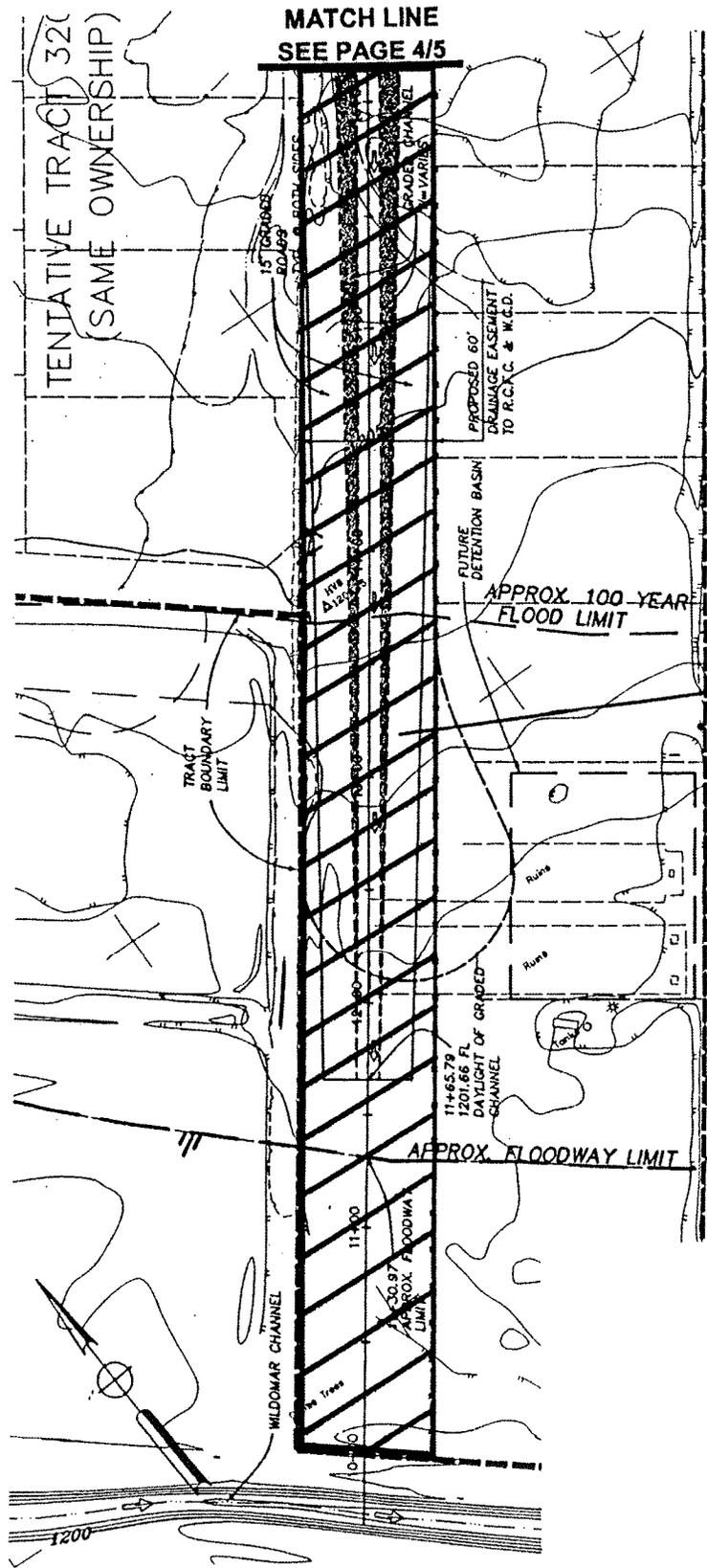


Exhibit B



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28 of 28



CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #2.1
PUBLIC HEARING
Meeting Date: July 28, 2010

TO: Mayor and City Council
FROM: Michael Kashiwagi – Director of Public Works
SUBJECT: Wildomar Landscape Maintenance District 2006-1

STAFF REPORT

RECOMMENDATION:

Staff recommends the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR WILDOMAR
LANDSCAPE MAINTENANCE DISTRICT (LMD) 2006-1 AND LEVYING
ASSESSMENT ON ALL ASSESSABLE LOTS AND PARCEL OF LAND THEREIN FOR
FISCAL YEAR 2010-11

BACKGROUND:

For Fiscal Years 2006-07, 2007-08, 2008-09, and 2009-10, the assessment amount within Wildomar LMD 2006-1 was \$28 per equivalent dwelling unit. For Fiscal Year 2010-11, there will be no increase in the Wildomar LMD 2006-1, and the annual assessment will remain at \$28 per equivalent dwelling unit. The amount levied for Fiscal Year 2010-11 is \$191,828.00. For Fiscal Year in which the landscape improvement of all four parks are completed, the annual assessment may be increased to \$45, adjusted for inflation.

Pursuant to the Landscaping and Lighting Act of 1972 and Resolution 2010 - 35, a public hearing is required to receive testimony regarding the assessment levy for Fiscal Year 2010-11 for Wildomar LMD 2006-1. Notice of the public hearing was given by publication of a certified copy of Resolution No. 2010 - 36 in the Californian at least ten days prior to the Public Hearing date of July 28, 2010.

Upon close of the Public Hearing, staff recommends adoption of the proposed Resolution confirming the assessment levy, as indicated in the Engineer's Report for Fiscal Year 2010-11 for Wildomar LMD 2006-1, and ordering the placement of the annual assessment on the County's Assessment Roll.

FISCAL IMPACTS:

Adoption of these resolutions will allow the City of Wildomar to collect sufficient funds to meet its maintenance obligations for Wildomar LMD 2006-1.

ALTERNATIVES:

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

Submitted by:

Approved by:



Michael Kashiwagi
Director of Public Works

Frank Oviedo
City Manager

ATTACHMENTS:

Resolution No. 2010 - _____

RESOLUTION NO. 2010 - _____
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR WILDOMAR
LMD 2006-1 AND LEVYING ASSESSMENT ON ALL ASSESSABLE LOTS AND
PARCELS OF LAND THEREIN FOR FISCAL YEAR 2009-10**

WHEREAS, On July 14, 2010, the City Council (hereinafter the "City Council") of the City of Wildomar (hereinafter the "City") adopted Resolution No. 2010 - 36, pursuant to Section 22634 of the Streets and Highways Code (hereinafter the "Street and Highways Code"), which among other things, scheduled a public hearing on the annual levy and collection of assessment on all lots and parcels of assessable land in Wildomar LMD 2006-1 for Fiscal Year 2010-11 to pay the costs of the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of the landscaping appurtenances including repair, removal ore replacement, providing for the life and growth, health, and beauty of the landscaping. The removal of trimmings, rubbish, debris, and other solid waste, together with the necessary incidental expenses within Wildomar LMD 2006-1, for July28, 2010 at the City of Wildomar Council Chambers, 23873 Clinton Keith Rd., Wildomar, CA; and

WHEREAS, notice of said public hearing was duly published as required by Resolution No. 2010 - 36 and Section 22626 (a) of the Streets and Highways code; and

WHEREAS, at the time and place of said public hearing, as set forth in Resolution No. 2010 - 36, the City Council held the public hearing and afforded all interested person an opportunity to testify and be heard, and considered all oral statements and all written protests or communications made or filed by any interested persons and at the conclusion of said hearing determined that a majority protest had not been received; and

WHEREAS, the City Council may proceed, pursuant to Section 22631 of the streets and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally proposed, or as changed by it, and the adoption of such a resolution shall constitute the levy of an assessment on all assessable lots and parcel with Wildomar LMD 2006-1.

NOW, THEREFORE, BE IT RESOLVED, FOUND DETERMINED AND ORDERED, by the City County of the City of Wildomar in regular session on July 28, 2008, as follows:

Section 1. Findings.

That the City Council finds:

- (a) The preceding recitals are correct;
- (b) Compliance has been had with all of the requirements of the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Street and Highways Code;

- (c) A majority protest to the annual levy for Wildomar LMD 2006-1 has not been filed; and
- (d) The City Council may proceed to adopt a resolution confirming the diagram and assessment for Wildomar LMD 2006-1 either as originally proposed or as changed by it; and the assessment to be levied on the assessable lots and parcels of land in Wildomar 2006-1 during Fiscal Year 2009-10 contained the report to the City Manager of the City of Wildomar which is on file with the City Clerk of the City of Wildomar (hereinafter the "Report") are based on benefits derived by such lots and parcels.

Section 2. Authorized Improvements for Wildomar LMD 2006-1.

The improvements authorized for Wildomar LMD 2006-1 are:

- (a) Furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of the landscaping appurtenances including repair, removal or replacement, providing for the life and growth, health, and beauty of the landscaping; and
- (b) The removal of trimmings, rubbish, debris, and other solid waste, together with the necessary incidental expenses.

Section 3. Confirmation of Report.

The Report and the assessment diagram and the assessment of the estimated costs for the installation, and maintenance and servicing of landscaping improvements within Wildomar LMD 2006-1 for Fiscal Year 2010-11 contained in the Report are confirmed.

Section 4. Levy of Assessment.

Pursuant to Section 22631 of the Streets and Highways Code, the adoption of this resolution constitutes the levy of the assessment for the installation and maintenance and servicing improvements within Wildomar LMD 2006-1 for Fiscal Year 2010-11 contained in the Report, and such assessment is levied. The City Clerk of the City of Wildomar is directed to file a certified copy of this resolution, together with the diagram and assessment contained in the Report with the County Auditor of the County of Riverside, who, pursuant to Section 22645 of Streets and Highways Code, shall enter on the County Assessment Roll opposite each lot or parcel of land the amount assessed thereupon, as shown in said assessment.

Section 5. Effective Date.

This Resolution shall take effect from and after its date of adoption.

PASSED, APPROVED, AND ADOPTED this 28th day of July, 2010.

Bridgette Moore, Mayor
By: Marsha Swanson, Mayor Pro Tem

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #2.2
PUBLIC HEARING
Meeting Date: July 28, 2010

TO: Mayor and City Council

FROM: Juan C. Perez, Director of Transportation, County of Riverside acting on behalf of the City of Wildomar

SUBJECT: Landscaping and Lighting Maintenance District No. 89-1-Consolidated, Zones 3 (Locations 7, 23, 24, 25, 29, 35, 42, 43, 45, 47, 49, and 53), 29 (Location 2), 30 (Locations 1 and 2), 42, 51, 52, 59, 62, 67, 71, and 90, and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, 73, and 88.

STAFF REPORT

RECOMMENDATION:

That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010-24

A RESOLUTION OF THE CITY OF WILDOMAR CONFIRMING THE DIAGRAM AND ASSESSMENT FOR ZONE 3, LOCATIONS 7, 23, 24, 25, 29, 35, 42, 43, 45, 47 AND 49; ZONE 29, LOCATION 2; ZONE 30, LOCATIONS 1 AND 2; ZONE 42, ZONE 51; ZONE 52; ZONE 59; ZONE 62; ZONE 67; ZONE 71; AND ZONE 90; AND STREET LIGHTING ZONE 18, STREET LIGHTING ZONE 26, STREET LIGHTING ZONE 27, STREET LIGHTING ZONE 35, STREET LIGHTING ZONE 50, STREET LIGHTING ZONE 70, STREET LIGHTING ZONE 71 STREET LIGHTING ZONE 73, AND STREET LIGHTING ZONE 88 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED (HEREINAFTER "L&LMD NO. 89-1-C") AND LEVYING ASSESSMENTS ON ALL ASSESSABLE LOTS AND PARCELS OF LAND THEREIN FOR FISCAL YEAR 2010-11

BACKGROUND:

The proposed assessments for Zones 3, 29, 30, 51, 52, 59, 62, 67, 71, and 90 and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, 73, and 88 are described in Attachment A.

Pursuant to the Landscaping and Lighting Act of 1972 and Resolution No. 2010-21, a public hearing was held on July 28, 2010 to receive testimony regarding the assessment levy for fiscal year 2010-11 for Zones 3, 29, 30, 51, 52, 59, 62, 67, 71, and 90 and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71,

73, and 88 of L&LMD No. 89-1-C. Notice of the public hearing was given by publication of a certified copy of Resolution No. 2010-21 in The Californian at least ten (10) days prior to the public hearing date of July 28, 2010.

Adoption of Resolution No. 2010-24 confirms the assessment levy, as indicated in the Engineer's Report for fiscal year 2010-11 for L&LMD No. 89-1-C and orders the placement of the annual assessment on the County's Assessment Roll.

FISCAL IMPACT

The annual budget for fiscal year 2010-11 totals \$291,440.00. Adoption of this resolution will allow the City of Wildomar to collect sufficient funds to meet its maintenance obligation for this Landscape and Lighting Maintenance District.

ALTERNATIVES:

1. Take no action. This would mean that the County of Riverside could not continue collecting assessments to pay for maintenance of improvements in these specific right-of-ways and would need to discontinue (a) the maintenance of landscaping, trails, fencing, and irrigation services to these areas, in certain zones, (b) maintaining the fossil filters in certain zones as required by the Santa Margarita Regional Water Quality Control Board re compliance with the National Pollutant Discharge Elimination System (NPDES) permit, and (c) paying Edison for streetlight energy costs in certain zones.
2. Provide staff with further direction.

ATTACHMENTS:

Attachment A
Resolution No. 2010-24

Submitted by:

Approved by:

/s/Juan C. Perez
Juan C. Perez
Director of Transportation,
County of Riverside acting
on behalf of the City of Wildomar

Frank Oviedo
City Manager

ATTACHMENT A

The proposed assessments for Zones 3, 29, 30, 51, 52, 59, 62, 67, 71, and 90 and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, 73, and 88 of L&LMD No. 89-1-C are as follows:

Zone 3

One of the twelve Locations within Zone 3 was established prior to the adoption of Proposition 218 (the "Proposition"). The annual assessment for these Locations, and for each of the Locations annexed to Zone 3, was set as of the effective date of the Proposition. Consequently, the annual assessment levied for all Locations in Zone 3 does not include an inflation increase factor and has not been increased since the effective date of the Proposition and no increase is proposed for fiscal year 2010-11.

The proposed assessment for fiscal year 2010-11 for Zone 3 is \$77.68 per parcel The proposed budget for fiscal year 2010-11 is \$107,975.00.

As to all of the following Zones, the mailed assessment ballot proposition approved by the property owners provides that the annual assessment will be increased each year by the greater of two percent (2%) or the cumulative percentage increase, if any, in the Consumer Price Index (or the Consumer Price Index for electricity) for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical Area (the "Index") as the Index stands as of March of each calendar year.

For fiscal year 2010-11, the proposed annual assessment for each of the following Zones may be increased by 2%.

Zone 29

The proposed assessment for fiscal year 2010-11 for Zone 29 is \$79.62 per parcel The proposed budget for fiscal year 2010-11 is \$796.00.

Zone 30

The proposed assessment for fiscal year 2010-11 for Zone 30 is \$159.20 per parcel The proposed budget for fiscal year 2010-11 is \$26,109.00.

Zone 42

The proposed assessment for fiscal year 2010-11 for Zone 42 is \$148.32 per parcel The proposed budget for fiscal year 2010-11 is \$27,736.00.

Zone 51

The proposed assessment for fiscal year 2010-11 for Zone 51 is \$107.46 per parcel The proposed budget for fiscal year 2010-11 is \$6,555.00.

Zone 52

The proposed assessment for fiscal year 2010-11 for Zone 52 is \$581.96 per parcel The proposed budget for fiscal year 2010-11 is \$52,958.00.

ATTACHMENT A

Zone 59

The proposed assessment for fiscal year 2010-11 for Zone 59 is \$322.08 per acre The proposed budget for fiscal year 2010-11 is \$4,142.00.

Zone 62

The proposed assessment for fiscal year 2010-11 for Zone 62 is \$125.20 per parcel The proposed budget for fiscal year 2010-11 is \$14,523.00.

Zone 67

The proposed assessment for fiscal year 2010-11 for Zone 67 is \$138.64 per parcel The proposed budget for fiscal year 2010-11 is \$6,100.00.

Zone 71

The proposed assessment for fiscal year 2010-11 for Zone 71 is \$61.30 per parcel The proposed budget for fiscal year 2010-11 is \$8,705.00.

Zone 90

The proposed assessment for fiscal year 2010-11 for Zone 90 is \$297.94 per parcel The proposed budget for fiscal year 2010-11 is \$30,092.00.

As to all of the following Street Lighting Zones, the mailed assessment ballot proposition approved by the property owners provides that the annual assessment will be increased each year by the greater of two percent (2%) or the cumulative percentage increase, if any, in the Consumer Price Index for electricity for the Los Angeles-Riverside-Orange County California Standard Metropolitan Statistical Area (the "Index") as the Index stands as of March of each calendar year.

For fiscal year 2010-11, the proposed annual assessment for each of the following Zones will be increased by 10%.

Street Lighting Zone 18

The proposed assessment for fiscal year 2010-11 for Street Lighting Zone 18 is \$664.82 per parcel. The proposed budget for fiscal year 2010-11 is \$665.00.

Street Lighting Zone 26

The proposed assessment for fiscal year 2010-11 for Street Lighting Zone 26 is \$94.80 per acre. The proposed budget for fiscal year 2010-11 is \$926.00.

Street Lighting Zone 27

The proposed assessment for fiscal year 2010-11 for Street Lighting Zone 27 is \$120.56 per acre. The proposed budget for fiscal year 2010-11 is \$1,045.00.

ATTACHMENT A

Street Lighting Zone 35

The proposed assessment for fiscal year 2010-11 for Street Lighting Zone 35 is \$42.30 per acre. The proposed budget for fiscal year 2010-11 is \$172.00.

For fiscal year 2010-11, the proposed annual assessment for each of the following Zones will be increased by 4%.

Street Lighting Zone 50

The proposed assessment for fiscal year 2010-11 for Street Lighting Zone 50 is \$34.28 per acre. The proposed budget for fiscal year 2010-11 is \$244.00.

Street Lighting Zone 70

The proposed assessment for fiscal year 2010-11 for Street Lighting Zone 70 is \$240.72 per acre. The proposed budget for fiscal year 2010-11 is \$1,006.00.

Street Lighting Zone 71

The proposed assessment for fiscal year 2010-11 for Street Lighting Zone 71 is \$26.66 per acre. The proposed budget for fiscal year 2010-11 is \$343.00.

Street Lighting Zone 73

The proposed assessment for fiscal year 2010-11 for Street Lighting Zone 73 is \$219.04 per acre. The proposed budget for fiscal year 2010-11 is \$662.00.

Street Lighting Zone 88

The proposed assessment for fiscal year 2010-11 for Street Lighting Zone 88 is \$130.22 per acre. The proposed budget for fiscal year 2010-11 is \$686.00.

RESOLUTION NO. 2010-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR ZONES 3, 29, 30, 51, 52, 59, 62, 67, 71, AND 90 AND STREET LIGHTING ZONES 18, 26, 27, 35, 50, 70, 71, 73, AND 88 OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED OF THE CITY OF WILDOMAR AND LEVYING ASSESSMENTS ON ALL LOTS AND PARCELS OF LAND THEREIN FOR FISCAL YEAR 2010-11; AND AUTHORIZE THE COUNTY OF RIVERSIDE TO ADMINISTER THE LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED BUDGET FOR FISCAL YEAR 2010-11

WHEREAS, on July 14, 2010, the City Council (hereinafter the "City Council") of the City of Wildomar (hereinafter the "City"), adopted Resolution No. 2010-21, pursuant to Section 22624 of the Streets and Highways Code (hereinafter the "Streets and Highways Code"), which among other things, scheduled a public hearing on the annual levy and collection of assessments on all lots and parcels of assessable land in 11 Zones (hereinafter "Zone 3", "Zone 29", "Zone 30", "Zone 42", "Zone 51", "Zone 52", "Zone 59", "Zone 62", "Zone 67", "Zone 71", "Zone 90", and, collectively "Zones"); and 8 Street Lighting Zones (hereinafter "Street Lighting Zone 18", "Street Lighting Zone 26", "Street Lighting Zone 27", "Street Lighting Zone 35", "Street Lighting Zone 50", "Street Lighting Zone 70", "Street Lighting Zone 71", "Street Lighting Zone 73", and "Street Lighting Zone 88", and, collectively "Street Lighting Zones"); of Landscaping and Lighting Maintenance District No. 89-1-Consolidated (hereinafter "L&MD No. 89-1-C") for FY 2010-11 to pay the costs of the installation and planting of landscaping; the installation of multi-purpose trails; the installation of fencing; the installation of fossil filters; the installation of irrigation or electrical facilities; and the maintenance and servicing of such landscaping, multi-purpose trails, fencing, and fossil filter improvements, and the provision of electricity for streetlights within the public rights-of-way, for July 28, 2010, at Wildomar City Hall, 23873 Clinton Keith Rd Suite 201, Wildomar, CA 92595; and

WHEREAS, notice of said public hearing was duly published as required by Resolution No. 2010-21 and Section 22626(a) of the Streets and Highways code; and

WHEREAS, at the time and place of said public hearing, as set forth in Resolution No. 2010-21, the City Council held the public hearing and afforded all interested persons an opportunity to testify and be heard, and considered all oral statements and all written protests or communications made or filed by any interested persons and at the conclusion of said hearing determined that a majority protest had not been received; and

WHEREAS, the City Council may proceed, pursuant to Section 22631 of the Streets and Highways Code, to adopt a resolution confirming the diagram and assessment, either as originally proposed, or as changed by it, and the adoption of

such a resolution shall constitute the levy of an assessment on all assessable lots and parcels of land within of L&MD No. 89-1-C for FY 2010-11.

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the City Council of the City of Wildomar assembled in regular session on July 28, 2010 as follows:

SECTION 1 Findings. That the City Council finds:

- (a) the preceding recitals are correct;
- (b) compliance has been had with all of the requirements of the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code;
- (c) a majority protest to the annual levy for existing Zones 3, 29, 30, 51, 52, 59, 62, 67, 71, and 90 and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, 73, and 88 of L&LMD No. 89-1-C has not been filed;
- (d) the City Council may proceed to adopt a resolution confirming the diagram and assessment for L&MD No. 89-1-C either as originally proposed or as changed by it; and the Zones 3, 29, 30, 51, 52, 59, 62, 67, 71, and 90 and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, 73, and 88 of L&MD No. 89-1-C either as originally proposed or as changed by it; and the assessments to be levied on the assessable lots and parcels of land in Zones 3, 29, 30, 51, 52, 59, 62, 67, 71, and 90 and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, 73, and 88 of L&MD No. 89-1-C for the installation and planting of landscaping; the installation of multi-purpose trails; the installation of fencing; the installation of fossil filters; the installation of irrigation or electrical facilities; and the maintenance and servicing of such landscaping, multi-purpose trails, fencing, and; and the provision of electricity for streetlights within the public rights-of-way in said district during FY 2010-11 contained in the report to the Director of Transportation, acting on behalf of the City of Wildomar, which is on file with the City Clerk (hereinafter the "Report") are based on benefits derived by such lots and parcels.

SECTION 2 Authorized Improvements for Zones. The improvements authorized for Zones 3, 29, 30, 42, 51, 52, 67, 71 and 90 of L&LMD No. 89-1-C are:

- (a) The installation and planting of landscaping, including trees, shrubs, grass and other ornamental vegetation; and,
- (b) The installation of irrigation and electrical facilities; and
- (c) The maintenance or servicing of any of the foregoing.

In addition, Zones 29, 30, 51, 52, and 90 are authorized to provide the following:

- (a) Weed abatement and debris clean-up of multi-purpose trails;
- (b) Maintenance, repair and/or replacement of fencing.

In addition, Zones 52, 67, and 90 are authorized to provide the following:

- (a) Maintenance, repair and/or replacement of fossil filters within

catch basins within the public right-of-way including incidental costs and expenses.

SECTION 3 Improvements. The improvements authorized for Zones 59 and 62 are:

- (a) Maintenance, repair and/or replacement of fossil filters within catch basins within the public right-of-way including incidental costs and expenses.

In addition, Zone 59 is authorized to provide the following:

- (a) Provision of electricity to all streetlights within the public right-of-ways including incidental costs and expenses.

In addition, Zone 62 is authorized to provide the following:

- (a) Weed abatement and debris clean-up of multi-purpose trails.

SECTION 4 Improvements. The improvements authorized for Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, 73, and 88 of L&MD No. 89-1-C are:

- (a) Provision of electricity to all streetlights within the public right-of-ways including incidental costs and expenses.

SECTION 5 Confirmation of Report. The Report and the assessment diagram and the assessment of the estimated costs of the installation, and maintenance and servicing of landscaping improvements, multi-purpose trails, fencing, and fossil filters, and the provision of electricity for streetlights in Zones 3, 29, 30, 51, 52, 59, 62, 67, 71, and 90 and Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, 73, and 88 of L&MD No. 89-1-C for FY 2010-11 contained in the Report are confirmed.

SECTION 6 Levy of Assessment. Pursuant to Section 22631 of the Streets and Highways Code, the adoption of this resolution constitutes the levy of the assessment for the installation, and maintenance and servicing improvements in Zones 3, 29, 30, 51, 52, 59, 62, 67, 71, and 90 and the provision of electricity for streetlights within public right-of-ways in Street Lighting Zones 18, 26, 27, 35, 50, 70, 71, 73, and 88 of L&MD No. 89-1-C for FY 2010-11 contained in the Report, and such assessment is levied. The City Clerk is directed to file a certified copy of this resolution, together with the diagram and assessment contained in the Report with the County Auditor of the County of Riverside, who, pursuant to Section 22645 of Streets and Highways Code, shall enter on the County Assessment Roll opposite each lot or parcel of land the amount assessed thereupon, as shown in said assessment.

SECTION 7 Authorization. The City Council authorizes the County to act as the City's agent to administer the revenue/expenditures and budget for L&MD No. 89 1 C for fiscal year 2010-11.

SECTION 8 Effective Date. This Resolution shall take effect from and after its date of adoption.

PASSED, APPROVED, AND ADOPTED this 28th day of July, 2010.

Bridgette Moore, Mayor
By: Marsha Swanson, Mayor Pro Tem

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR – COUNCIL
Agenda Item #3.1
GENERAL BUSINESS
Meeting Date: July 28, 2010

TO: Mayor and City Council
FROM: Frank Oviedo, City Manager
SUBJECT: Support of Proposition 22

STAFF REPORT

RECOMMENDATION:

That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, IN SUPPORT OF PROPOSITION 22, THE LOCAL TAXPAYER, PUBLIC
SAFETY, AND TRANSPORTATION PROTECTION ACT OF 2010

BACKGROUND:

As the leading advocate of local control, the League of California Cities has asked the City of Wildomar to formally endorse Proposition 22 in the November election.

As city governments all over the state have had to make cuts in services throughout their operations in order to balance their budgets the State has refused to deal with their budgets in the same manner. Local governments are required to submit and pass a balanced budget by the start of the fiscal year, July 1.

In contrast, the State has not passed a budget on time in the last decade. Additionally, when the State passes their budgets they are able to do so with borrowing and outright taking of funds from local government agencies. Last year the State passed a budget that borrowed and took approximately \$5 billion in city, county, transit, redevelopment and special district funds. The State refuses to make the difficult decisions that local government officials have had to make during these tough economic times.

The direct impact to local governments is the loss of resources for vital services such as public safety, road repair and maintenance, and other services used specifically by residents at a local level.

By supporting this Proposition the Council will be joining other Cities (Exhibit A), elected officials, associations, and chamber of commerce's up and down the State who are supporting the protection of local government revenues.

FISCAL IMPACT:

There is no fiscal impact by passing this resolution.

Submitted and Approved By:

Frank Oviedo
City Manager

City of Albany
City of Adelanto
City of American
Canyon
City of Angels
City of Antioch
City of Arcadia
City of Arcata
City of Arroyo Grande
City of Artesia
City of Arvin
City of Atascadero
City of Atwater
City of Auburn
City of Avalon
City of Avenal
City of Azusa
City of Bakersfield
City of Baldwin Park
City of Banning
City of Beaumont
City of Benicia
City of Beverly Hills
City of Big Bear Lake
City of Bishop
City of Blue Lake
City of Blythe
City of Bradbury
City of Brawley
City of Brea
City of Buena Park
City of Burlingame
City of Calabasas
City of California City
City of Calimesa
City of Campbell
City of Canyon Lake
City of Capitola
City of Carmel-by-the-
Sea
City of Carson
City of Cathedral City
City of Ceres
City of Cerritos
City of Chino
City of Chino Hills

City of Chowchilla
City of Chula Vista
City of Claremont
City of Clayton
City of Cloverdale
City of Clovis
City of Coachella
City of Coalinga
City of Commerce
City of Concord
City of Corona
City of Coronado
City of Cotati
City of Culver City
City of Cupertino
City of Cypress
City of Daly City
City of Delano
City of Del Rey Oaks
City of Desert Hot
Springs
City of Diamond Bar
City of Dinuba
City of Dixon
City of Dorris
City of Dublin
City of Elk Grove
City of Emeryville
City of Encinitas
City of Escondido
City of Exeter
City of Ferndale
City of Fontana
City of Fortuna
City of Foster City
City of Fountain Valley
City of Fowler
City of Fresno
City of Gardena
City of Garden Grove
City of Gilroy
City of Glendale
City of Goleta
City of Gonzales
City of Grass Valley
City of Greenfield

City of Gridley
City of Grover Beach
City of Half Moon Bay
City of Hayward
City of Hanford
City of Hemet
City of Hercules
City of Hermosa Beach
City of Hesperia
City of Hidden Hills
City of Highland
City of Huntington
Beach
City of Huntington Park
City of Huron
City of Imperial
City of Imperial Beach
City of Indian Wells
City of Inglewood
City of Irvine
City of Kerman
City of King
City of Kingsburg
City of Lafayette
City of Laguna Hills
City of Lake Forest
City of Lakewood
City of La Cañada
Flintridge
City of La Habra
City of La Mesa
City of La Mirada
City of La Palma
City of La Puente
City of La Quinta
City of La Verne
City of Lake Forest
City of Lancaster
City of Larkspur
City of Lawndale
City of Lemoore
City of Lindsay
City of Lodi
City of Lomita
City of Lompoc
City of Los Banos

City of Lynwood
City of Madera
City of Malibu
City of Marina
City of Martinez
City of Manhattan Beach
City of Maywood
City of McFarland
City of Menifee
City of Merced
City of Millbrae
City of Milpitas
City of Mission Viejo
City of Modesto
City of Monrovia
City of Montclair
City of Monte Sereno
City of Moorpark
City of Moreno Valley
City of Morgan Hill
City of Mountain View
City of Murrieta
City of Napa
City of Newark
City of Newport Beach
City of Norco
City of Novato
City of Oakdale
City of Ojai
City of Ontario
City of Orange Cove
City of Orinda
City of Orland
City of Pacific Grove
City of Pacifica
City of Palmdale
City of Palm Springs
City of Paramount
City of Parlier
City of Pasadena
City of Perris
City of Petaluma
City of Pinole
City of Placentia
City of Poway
City of Rancho

Cucamonga
City of Rancho Mirage
City of Red Bluff
City of Redding
City of Redwood City
City of Reedley
City of Ridgecrest
City of Rio Vista
City of Ripon
City of Riverside
City of Rolling Hills
City of Rosemead
City of Sacramento
City of Salinas
City of Sanger
City of San
Buenaventura
City of San Bruno
City of San Carlos
City of San Clemente
City of San Diego
City of San Dimas
City of San Gabriel
City of San Jacinto
City of San Jose
City of San Luis Obispo
City of San Mateo
City of San Pablo
City of San Rafael
City of Sand City
City of Santa Ana
City of Santa Clarita
City of Santa Cruz
City of Santa Maria
City of Santa Monica
City of Santa Rosa
City of Santa Fe Springs
City of Saratoga
City of Scotts Valley
City of Seal Beach
City of Sebastopol
City of Selma
City of Shafter
City of Signal Hill
City of Solana Beach
City of Soledad

City of Sonoma
City of Sonora
City of South El Monte
City of South Lake
Tahoe
City of South San
Francisco
City of Stanton
City of Stockton
City of Sunnyvale
City of Taft
City of Temecula
City of Torrance
City of Tracy
City of Tulare
City of Turlock
City of Twentynine
Palms
City of Ukiah
City of Upland
City of Vacaville
City of Vallejo
City of Visalia
City of Vista
City of Walnut
City of Walnut Creek
City of Wasco
City of Waterford
City of West Hollywood
City of Wheatland
City of Whittier
City of Winters
City of Woodlake
City of Yuba City
City of Yucaipa
Town of Apple Valley
Town of Hillsborough
Town of Los Gatos
Town of San Anselmo
Town of Windsor
Town of Yountville

RESOLUTION NO. 2010 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, IN
SUPPORT OF PROPOSITION 22, THE LOCAL TAXPAYER, PUBLIC SAFETY, AND
TRANSPORTATION PROTECTION ACT OF 2010

WHEREAS, California voters have repeatedly and overwhelmingly passed separate ballot measures to stop State raids of local government funds, and to dedicate the taxes on gasoline to fund local and state transportation improvement projects; and

WHEREAS, these local government funds are critical to provide the police and fire, emergency response, parks, libraries, and other vital local services that residents rely upon every day, and gas tax funds are vital to maintain and improve local streets and roads, to make road safety improvements, relieve traffic congestion, and provide mass transit; and

WHEREAS, despite the fact that voters have repeatedly passed measures to prevent the State from taking these revenues dedicated to funding local government services and transportation improvement projects, the State Legislature has seized and borrowed billions of dollars in local government and transportation funds in the past few years; and

WHEREAS, this year's borrowing and raids of local government, redevelopment and transit funds, as well as previous, ongoing raids of local government and transportation funds have lead to severe consequences, such as layoffs of police, fire and paramedic first responders, fire station closures, stalled economic development, healthcare cutbacks, delays in road safety improvements, public transit fare increases and cutbacks in public transit services; and

WHEREAS, State politicians in Sacramento have continued to ignore the will of the voters, and current law provides no penalties when state politicians take or borrow these locally-dedicated funds; and

WHEREAS, a coalition of local government, transportation and transit advocates filed a constitutional amendment with the California Attorney General, called the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010, which will be on the November 2010 statewide ballot as Proposition 22; and

WHEREAS, approval of this ballot initiative would close loopholes and change the constitution to further prevent State politicians in Sacramento from seizing, diverting, shifting, borrowing, transferring, suspending or otherwise taking or interfering with tax revenues dedicated to funding local government services, including redevelopment, or dedicated to transportation improvement projects and mass transit.

NOW, THEREFORE, BE IT RESOLVED that City Council of the City of Wildomar does hereby formally endorse Proposition 22, the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010, a proposed constitutional amendment.

BE IT FURTHER RESOLVED that City Council hereby authorizes the listing of the City of Wildomar in support of Proposition 22, the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010, and instruct staff to fax a copy of this Resolution to campaign offices at 916/442-3510.

PASSED, APPROVED, AND ADOPTED this 28th day of July, 2010.

Bridgette Moore, Mayor
By: Marsha Swanson, Mayor Pro Tem

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #3.2
GENERAL BUSINESS
Meeting Date: July 28, 2010

TO: Mayor and City Council

FROM: Debbie A. Lee, City Clerk

SUBJECT: Resolution Establishing Procedures for Submitting Ballot Arguments for City Measures Submitted at the November 2, 2010 General Municipal Election

STAFF REPORT

RECOMMENDATION:

That the City Council:

1. Determine whether the City Council or any individual member(s) of City Council will file an argument regarding the Measure on the November 2, 2010 ballot; and
2. Adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AUTHORIZING FILING OF A WRITTEN ARGUMENT
REGARDING THE MEASURE TO BE PLACED ON THE BALLOT FOR THE
NOVEMBER 2, 2010 GENERAL MUNICIPAL ELECTION

DISCUSSION:

The California Elections Code requires the City Council to adopt the appropriate resolution for filing a written argument regarding the City's proposed measure.

The City Council, or any member or members of the City Council, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against any City measure. The Elections Code provides that upon authorization by the City Council, an argument prepared and signed by the City Council, or by one or more Council Members, shall be given first priority for placement in the sample ballot by the City Elections Official.

The last day the City Clerk's Office will receive arguments in favor of, or against, the Measure is 5:00 p.m., Monday, August 16, 2010. The City Council has already authorized to permit rebuttal arguments, and they will be filed no later than 5:00 p.m. on Thursday, August 26, 2010.

FISCAL IMPACTS:

The Fiscal Year 2010-11 City Clerk's budget includes \$38,000 to cover election costs.

Submitted By:

Approved By:

Debbie A. Lee
City Clerk

Frank Oviedo
City Manager

ATTACHMENTS:

Resolution No. 2010 - _____

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AUTHORIZING FILING A WRITTEN ARGUMENT REGARDING THE MEASURE TO BE PLACED ON THE BALLOT FOR THE NOVEMBER 2, 2010 GENERAL MUNICIPAL ELECTION

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held in the City of Wildomar, California, on November 2, 2010, at which there will be submitted to the voters the following measure:

MEASURE _____

Shall the permanent annual appropriations limit of the City of Wildomar be set at \$7,728,041?	YES
	NO

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1.

On behalf of the entire City Council, a subcommittee comprised of Council Members _____ and _____ is designated to prepare and file a written argument, not exceeding 300 words, in favor of the proposed Measure on the November 2, 2010 ballot, accompanied by the printed name(s) and signature(s) submitting it, in accordance with article 4, Chapter 3, Division 9 of the elections Code of the State of California and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

SECTION 2.

The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement to Be Filed by Author

SECTION 3.

That the City Council directs the City Clerk to transmit a copy of the Measure to the City Attorney, who shall prepare an impartial analysis of the measure, not exceeding 500 words, showing the effect of the measure on the existing law and the operation of the measure. The

Impartial Analysis shall be filed by the date set by the City Clerk for the filing of the primary arguments.

SECTION 4.

That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 28th day of July, 2010.

Bridgette Moore, Mayor
By: Marsha Swanson, Mayor Pro Tem

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk