

*For further information on an agenda item, please contact the City at 12363 Limonite Ave.
Suite 910, Eastvale, CA 91752*

**AGENDA
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF EASTVALE
Wednesday September 11, 2013
6:30 P.M.**

Rosa Parks Elementary School, 13830 Whispering Hills Drive

1. CALL TO ORDER: 6:30 p.m.

2. ROLL CALL/INVOCATION /PLEDGE OF ALLEGIANCE:

Council Members – Ric Welch, Kelly Howell, Jeff DeGrandpre
Mayor Pro Tem – Adam Rush
Mayor – Ike Bootsma

Invocation led by Pastor Mark Lee with Vantage Point Church.

3. PRESENTATIONS/ANNOUNCEMENTS:

At this time, the City Council may recognize citizens and organizations that have made significant contributions to the community and it may accept awards on behalf of the City.

3.1 Presentation by the Eastvale Community Foundation.

3.2 Presentation by City Engineer Alvarez regarding Scholar Way Improvements.

4. PUBLIC COMMENT/CITIZEN PARTICIPATION:

This is the time when any member of the public may bring a matter to the attention of the Mayor and the City Council that is within the jurisdiction of the City Council. The Ralph M. Brown act limits the Mayor's, City Council's and staff's ability to respond to comments on non-agendized matters at the time such comments are made. Thus, your comments may be agendized for a future meeting or referred to staff. The City Council may discuss or ask questions for clarification, if desired, at this time. Although voluntary, we ask that you fill out a "Speaker Request Form", available at the side table. The completed form is to be submitted to the City Clerk prior to being heard. Public comment is limited to two (2) minutes each with a maximum of six (6) minutes.

5. CONSENT CALENDAR:

Consent Calendar items are normally enacted in one motion. The Mayor or City Council may remove a Consent Calendar item for separate action. Public comment is limited to two (2) minutes each with a maximum of (6) minutes.

5.1 Minutes – August 28, 2013 Regular Meeting.

Recommendation: Approve the minutes from the Regular Meeting held on August 28, 2013.

5.2 **Cooperative Agreement with City of Ontario for Traffic Signal Maintenance.**

Recommendation: Approve a cooperative agreement with the City of Ontario for Traffic Signal Maintenance.

6. **PUBLIC HEARINGS:**

*The public is encouraged to express your views on any matter set for public hearing. It is our procedure to first receive the staff report, then to ask for public testimony, first from those in favor of the project followed by testimony from those in opposition to it, and if there is opposition, to allow those in favor, rebuttal testimony only as to the points brought up in opposition. To testify on the matter, you need to simply come forward to the speaker's podium at the appropriate time, give your name and address and make your statement. After a hearing is closed, you may not further speak on the matter unless requested to do so or are asked questions by the Mayor or a Member of the City Council. **Public comment is limited to two (2) minutes each with a maximum of six (6) minutes.***

6.1 **Public Hearing – Changes To The Rules Governing Temporary Events.**

Recommendation: Adopt the Notice of Exemption and Hold First Reading of Ordinance No. 2013-14, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EASTVALE
MAKING FINDINGS AND ADOPTING AN AMENDMENT TO THE
EASTVALE ZONING CODE FOR REGULATING TEMPORARY EVENTS.

7. **OLD BUSINESS ITEMS:**

*Public comment will be called for each item. Please keep comments brief so that everyone who wishes to speak has the opportunity to do so. After public comment is closed you may not further speak on the matter unless the City Council requests further clarification of your statement. **Public comment is limited to two (2) minutes with a maximum of six (6) minutes.***

There are no Old Business Items.

8. **NEW BUSINESS ITEMS:**

*Public comment will be called for each non-hearing item. Please keep comments brief so that everyone who wishes to speak has the opportunity to do so. After public comment is closed, you may not further speak on the matter unless the Mayor or City Council requests further clarification of your statement. **Public Comment is limited to two (2) minutes with a maximum of six (6) minutes.***

8.1 **Funding of Additional Crossing Guard at Clara Barton Elementary School.**

Recommendation: Approve \$5,350 for one additional crossing guard at Clara Barton Elementary School.

8.2 League of California Cities Annual Conference Resolutions.

Recommendation: 1) Discuss and determine if additional Council Members should attend the Annual Conference or appoint new voting delegate and alternates, and 2) Discuss and determine City voting position on two League of California Cities resolutions.

8.3 Settlement Agreement with the County of Riverside in the amount of \$12,453 for Property Tax Administration Fees.

Recommendation: Approve the Settlement Agreement with the County of Riverside in the amount of \$12,453 for a refund of Property Tax Administration Fees.

9. COUNCIL COMMUNICATIONS:

(Committee Reports, Agenda Items, Meeting Requests and Review etc.)

This is an opportunity for the Mayor and City Council Members to report on their activities and the actions of the Committees upon which they sit, to bring a matter to the attention of the full Council and staff, and to request agenda items. Any matter that was considered during the public hearing portion is not appropriate for discussion in this section of the agenda. NO ACTION CAN BE TAKEN AT THIS TIME.

10. CITY MANAGER'S REPORT:

11. CLOSED SESSION:

11.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO SUBDIVISION (B) OF SECTION 54656.8:

Property: APN # 144-121-002

Negotiating Parties: City of Eastvale and Douglas and Diana Dimitruk

11.2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO SECTION 54957:

Title: City Manager

12. ADJOURNMENT:

The next regular meeting of the Eastvale City Council will be held on September 25, 2013 at 6:30 p.m. at Rosa Parks Elementary School.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City of Eastvale. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

POSTING STATEMENT:

I, Ariel M. Hall, Assistant City Clerk or my designee hereby certify that a true and correct, accurate copy of the foregoing agenda was posted September 5, 2013, seventy-two (72) hours prior to the meeting per Government Code 54954.2, at the following locations:

Eastvale City Hall 12363 Limonite Ave. Suite 910

Rosa Parks Elementary School 13830 Whispering Hills Drive

Eastvale Library 7447 Scholar Way

City of Eastvale Website, www.eastvaleca.gov



City of Eastvale

City Council Meeting Agenda

Staff Report

MEETING DATE: SEPTEMBER 11, 2013

1. CALL TO ORDER



City of Eastvale
City Council Meeting Agenda
Staff Report

MEETING DATE: SEPTEMBER 11, 2013

2. *ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE*



City of Eastvale

City Council Meeting Agenda

Staff Report

MEETING DATE: SEPTEMBER 11, 2013

3. *PRESENTATIONS/ANNOUNCEMENTS*



City of Eastvale

City Council Meeting Agenda

Staff Report

MEETING DATE: SEPTEMBER 11, 2013

4. *PUBLIC COMMENT/CITIZEN PARTICIPATION*

MINUTES
REGULAR MEETING OF THE CITY COUNCIL,
OF THE CITY OF EASTVALE
Wednesday, August 28, 2013
6:30 P.M.

Rosa Parks Elementary School 13830 Whispering Hills Drive

1. CALL TO ORDER: 6:30 p.m.

2. ROLL CALL/PLEDGE OF ALLEGIANCE/INVOCATION:

Council Members present: Council Members Welch, Howell, DeGrandpre, Mayor Pro Tem Rush and Mayor Bootsma.

Staff Members present: City Manager Jacobs, City Attorney Cavanaugh, Public Information Officer Nissen, City Engineer Alvarez, Planning Director Norris, Police Captain Feltenberger, Police Lieutenant Yates and Assistant City Clerk Hall.

Invocation was presented by Pastor Danny Mariscal with Life Church.

The Pledge of Allegiance and a moment of silence for the Troops was led by Council Member Welch.

3. PRESENTATIONS/ANNOUNCEMENTS:

There were no presentations.

4. PUBLIC COMMENT/CITIZEN PARTICIPATION:

Daniella McClister, with the Eastvale Chamber of Commerce, provided an update on what the Board was working on and the various events that would be occurring.

Jason Purvis, a resident, suggested looking at planning for affordable housing to accommodate young, newly formed, families in the City.

Jeff Codega, an Urban Planner with David Evans & Associates, came to the meeting to introduce himself to the City Council and offer his assistance if ever needed.

5. CONSENT CALENDAR:

5.1 Minutes – August 14, 2013 Regular Meeting.

Recommendation: Approve the minutes from the Regular Meeting held on August 14, 2013.

5.2 Approval of Parcel Map No. 36592, Eastvale Gateway South – WLPX Eastvale/Lewis Operating Companies.

Recommendation: Adopt Resolution No. 13-27, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE, APPROVING PARCEL MAP NO. 36592 (PROJECT 13-0486).

5.3 Warrant Register.

Recommendation: Approve the payment of the warrants (check numbers 11559 through 11579, 11581 through 11582, and 11584 through 11613 and wire numbers W00117 to W00125) in the amount of \$987,253.93 and payroll in the amount of \$62,883.04.

5.4 Warrant Register for Council Related Items.

Recommendation: Approve the payment of the warrants (check numbers 11580 and 11583) in the amount of \$239.53.

Motion: Moved by Rush, seconded by Howell to approve the Consent Calendar as presented.

Motion carried 5-0.

6. PUBLIC HEARINGS:

There were no Public Hearing Items.

7. OLD BUSINESS:

There were no Old Business Items.

8. NEW BUSINESS ITEMS:

8.1 Contract Award for Orange Street Sidewalk Construction Project 91002.

Recommendation: 1) Approve a contract with Lee & Stires, Inc., the lowest responsive bidder, in accordance with unit bid prices in the estimated amount of \$86,037.26 for the Orange Street Sidewalk Construction and 2) Approve a funding analysis with a total estimated construction amount of \$108,537.26.

City Engineer Alvarez provided the staff report for this item.

Motion: Moved by Howell, seconded by Welch to approve the item as presented.

Motion carried 5-0.

8.2 Creation of a City Council Legislative Committee.

Recommendation: Appoint two members of City Council to provide direction to the City Manager on Legislation by the State and/or Federal Government that cannot be accommodated within the normal City Council agenda process.

City Manager Jacobs provided the staff report for this item.

There was discussion regarding the items that the committee would be responsible for. The committee would be responsible for creating a legislative platform for the City, by modifying the League of California Cities platform, and for approving letters of support or opposition to various legislation that was time sensitive and could wait to be put on a City Council meeting agenda.

Motion: Moved by Howell, seconded by Rush to appoint the Mayor and Mayor Pro Tem position to the Legislative Committee.

Motion carried 5-0.

8.3 Roles of Mayor and Mayor Pro Tem.

Recommendation: Provide direction and establish an Ad Hoc Committee for development of a policy.

City Manager Jacobs provided basic information on the item and stated that it was placed on the agenda at the direction of Council Member DeGrandpre.

There was discussion regarding the goal and purpose of creating a policy outlining the roles of the Mayor and Mayor Pro Tem, and what meetings the City Council should be attending.

There was discussion regarding having City Staff coordinate meeting attendance and the effect of the Brown Act in the Council Members coordinating meeting attendance among themselves.

There was discussion regarding monitoring the cost of attending some of the meetings put on by outside agencies.

It was the consensus of the Council that City Staff would assist in coordinating the attendance at various meetings and events.

8.4 City Council Mediation Process.

Recommendation: Provide direction.

City Manager Jacobs provided the staff report for this item.

There was discussion regarding the Brown Act and how it applies to City Council Retreat type sessions.

It was the consensus of the Council that there was no need to hire a mediator or conduct a formal retreat.

9. COUNCIL COMMUNICATIONS:

Council Member DeGrandpre announced that he would be having his fifth grandchild soon.

Council Member Welch thanked Mayor Bootsma for volunteering at the Concert in the Park the previous week.

Mayor Pro Tem Rush stated that he would be attending a meeting with the real estate representatives regarding the Rental Registration Program.

Council Member Howell provided an update on the activities of the Eastvale Community Foundation.

Mayor Bootsma provided information regarding the various meetings and events he had attended since the prior City Council meeting. He requested that staff agendize an item to declare October as Healthy Eastvale Month. He also requested that staff look into concerns about ice cream trucks selling to students during school hours, and selling items that may not be appropriate for children.

10. CITY MANAGER'S REPORT:

City Manager Jacobs provided an update on SB56 that would restore the Motor Vehicle License fees that the State took from the City.

11. CLOSED SESSION:

The City Council entered Closed Session at 7:17 p.m.

11.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO SECTION 54957:

Title: City Manager

The City Council return from Closed Session with no reportable action at 9:23 p.m.

12. ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:23 p.m.



City of Eastvale
City Council Meeting Agenda
Staff Report

MEETING DATE: SEPTEMBER 11, 2013

TO: MAYOR AND COUNCIL MEMBERS

FROM: GEORGE ALVAREZ, CITY ENGINEER

**SUBJECT: COOPERATIVE AGREEMENT WITH THE CITY OF ONTARIO
FOR TRAFFIC SIGNAL MAINTENANCE**

**RECOMMENDATION: APPROVE A COOPERATIVE AGREEMENT WITH THE
CITY OF ONTARIO FOR TRAFFIC SIGNAL MAINTENANCE**

BACKGROUND:

Hamner Avenue between the SR 60 and Cantu-Galleano Ranch Road currently has six traffic signals that are shared between the Cities of Eastvale and Ontario. Prior to the City of Eastvale's incorporation, the County of Riverside and City of Ontario shared in the maintenance costs to maintain and operate the six traffic signals.

DISCUSSION:

Up to this date the County of Riverside has paid for the signal maintenance costs and now wants the City of Eastvale to assume the financial share of the costs. The City of Ontario is the lead agency to maintain the traffic signals and the City of Eastvale would make payments to them for our share of the maintenance costs.

FISCAL IMPACT:

The estimated annual maintenance costs based on our fair share is \$8,000. Funds are available in Gas Tax Fund, account number 200-510-6438.

ATTACHMENTS:

1. Cooperative agreement

Prepared by: George Alvarez
Reviewed by: City Manager
City Attorney

**AGREEMENT FOR
MAINTENANCE AND OPERATION OF JOINTLY OWNED
TRAFFIC SIGNALS AND INTERSECTION SAFETY LIGHTING**

1. PARTIES AND DATE.

This agreement is made and entered into on this _____ day of _____, 2013, by and between the City of Ontario ("Ontario") and the City of Eastvale ("Eastvale"). Ontario and Eastvale are sometimes individually referred to as "Party" and collectively as "Parties" in this Agreement.

2. RECITALS

2.1. Certain traffic signals and safety lighting facilities have been installed at designated intersections that are jointly owned by Parties ("Facilities"). These traffic signals and safety lighting facilities are identified in Exhibit "A", attached hereto and incorporated herein by reference.

2.2. Parties desire to set forth the particular maintenance and operations functions to be performed by each Party with regards to the Facilities, and to specify the distribution of costs of said maintenance and operations functions between Parties.

3. DEFINITIONS

3.1. "Extraordinary Maintenance Work" shall mean work to be performed under this Agreement includes the failure or malfunction of the signal system when it is mainly caused by "Acts of God," civil disorder, vehicle collision, vandalism, street work such as excavations, third parties, equipment obsolescence, and/or worn out equipment replacement when it is upgraded or replaced in like kind. Extraordinary maintenance shall also include replacement of vehicle detection in the streets (loop detection) or video detection; adjustment, relamping or repair of intersection safety lighting and photoelectric controls; replacement of signal indications; testing, adjustment or replacement of emergency vehicle preemption detection equipment.

3.2. "Routine Maintenance Work" shall mean performance of scheduled inspections and preventative maintenance, furnishing electric energy, and performing necessary repairs and replacements as required to ensure satisfactory service. Installation of additional facilities is not a maintenance function under this agreement.

4. TERMS

4.1. Effective Date.

This Agreement shall become effective upon execution by both Parties and shall supersede any and all previous agreements pertaining to Facilities which exclusively involve the Parties.

4.2. Responsibilities of the Parties.

The party responsible for performing the maintenance and operations functions with regards to the Facilities shall be indicated in Exhibit A. Any utility-owned intersection lighting will be maintained by the utility owning the same.

4.3. Fees and Payments.

4.3.1. Shared Expenses.

(a) Cost of Extraordinary Maintenance Work. The amount of extraordinary expenses, such as the repair or replacement of components because of damage due to a traffic collision, shall be the shared expense of the Parties based on the percentages specified in Exhibit A. These expenses shall be assessed regardless of whether the actual damage occurred within the Ontario or Eastvale area of the intersection. All extraordinary services or repairs shall be performed by the agency identified as the responsible party in Exhibit A.

(b) Cost of Routine Maintenance Work. The amount of routine expenses shall be the shared expense of the Parties based on the percentages specified in Exhibit A. These expenses shall be assessed regardless of whether the routine maintenance occurred within the Ontario or Eastvale area of the intersection. All routine services or repairs shall be performed by the agency identified as the responsible party in Exhibit A.

4.3.2. Recovery From Third Parties. Whenever extraordinary expenses are incurred as a result of damage caused by a third party, the party with jurisdiction over the location where the damage took place shall make every reasonable effort to recover the costs of said damage from the responsible third party. Any and all recovered funds, less the costs associated with the recovery effort, shall be disbursed to both Ontario and Eastvale as per the percentage splits shown in Exhibit A.

4.3.3. Billing. Parties shall bill each other for the cost of services provided. The Party performing the Extraordinary Maintenance Work shall prepare an itemized invoice for the other Party. Billings shall be made quarterly as set forth in Exhibit A. The cost of maintenance referred to herein shall include all direct costs, plus a 10% functional and administrative overhead assessment to cover indirect costs incurred in providing the maintenance services.

4.3.4. Disputes. Parties shall submit in writing any dispute in billing within thirty (30) working days after receipt of billing. Otherwise, Parties shall pay for services within thirty (30) days after receipt of billing.

4.4. Termination.

This Agreement shall remain in full force and effect until terminated by either party following a sixty (60) day written notice of intention to terminate.

4.5. General Terms.

4.5.1. Amendment. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties. Exhibit A may be amended, as needed, to add or delete maintained traffic signal and lighting equipment or to change cost splits, as evidenced by signed approval of the respective City Engineers, or their designees, by submittal of a revised Exhibit A, which shall, upon said approval become part of this Agreement and shall supersede and cancel all previous exhibits.

4.5.2. Mutual Indemnification.

(a) Ontario agrees to indemnify, defend (with counsel approved by Eastvale) and hold harmless Eastvale and its officers, employees, agents and authorized volunteers from any and all claims actions, losses, damages, and/or liability resulting from Ontario's negligent acts or omissions which arise from Ontario's performance of its obligations under this Agreement.

(b) Eastvale agrees to indemnify, defend (with counsel approved by Ontario) and hold harmless Ontario and its officers, employees, agents and authorized volunteers from any and all claims actions, losses, damages, and/or liability resulting from Eastvale's negligent acts or omissions which arise from Eastvale's performance of its obligations under this Agreement.

4.5.3. No Third Party Beneficiaries. Nothing in the provisions of this Agreement is intended to create duties or obligations to, or rights in third parties not parties to this contract, or affect the legal liability of either party to the contract by imposing any standard of care respecting the maintenance of the subject intersections different from the standard of care imposed by law.

4.5.4. Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

Ontario:

Attn: [NAME]
[Address Line 1]

Eastvale:

Attn: [NAME]
[Address Line 1]

[Address Line 2]

[Address Line 2]

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

4.5.5. Governing Law. This Agreement shall be governed by the laws of the State of California. Venue shall be in San Bernardino County.

4.5.6. Time of Essence. Time is of the essence for each and every provision of this Agreement.

4.5.7. Successors and Assigns. This Agreement shall be binding on the successors and assigns of the parties.

4.5.8. Assignment or Transfer. Neither Party shall assign, hypothecate or transfer, either directly or by operation of law, this Agreement or any interest herein without the prior written consent of the other. Any attempt to do so shall be null and void, and any assignees, hypothecates or transferees shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer.

4.5.9 Construction; References; Captions. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days or period for performance shall be deemed calendar days and not work days. All references to Parties include their elected officials, officers, employees, agents, and volunteers except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content or intent of this Agreement.

4.5.10 Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel or otherwise.

4.5.11 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

4.5.12 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional

documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.

4.5.13 Attorney's Fees. If either Party commences an action against the other Party, either legal, administrative or otherwise, arising out of or in connection with this Agreement, the prevailing party in such litigation shall be entitled to have and recover from the losing party reasonable attorney's fees and all other costs of such action.

4.5.14. Authority to Enter Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party.

4.5.15 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

4.5.16 Entire Agreement. This Agreement contains the entire Agreement of the parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements. This Agreement may only be modified by a writing signed by both parties.

SIGNATURES ON FOLLOWING PAGE

**SIGNATURE PAGE TO
AGREEMENT FOR
MAINTENANCE AND OPERATION OF JOINTLY OWNED
TRAFFIC SIGNALS AND INTERSECTION SAFETY LIGHTING**

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective official thereunto duly authorized.

CITY OF ONTARIO

CITY OF EASTVALE

By: _____
Mayor

By: _____
Mayor

Dated: _____

Dated: _____

ATTEST:

ATTEST:

By: _____
City Clerk

By: _____
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
City Attorney

By: _____
City Attorney

EXHIBIT "A"
JOINTLY OWNED TRAFFIC SIGNAL LOCATIONS

Maintained by the City of Eastvale			
No.	Intersection	Cost Split	
		Ontario	Eastvale
1	Hamner Avenue and Bellegrave Avenue	25%	75%

Maintained by the City of Ontario			
No.	Location	Cost Split	
		Ontario	Eastvale
1	Milliken Ave and Philadelphia St	75%	25%
2	Milliken Ave and Mission Blvd	50%	50%
3	Milliken Ave and Greystone St	50%	50%
4	Hamner Ave and Riverside Dr	50%	50%
5	Hamner Ave and Harvest Dr	33.3%	66.7%
6	Hamner Ave and Micro Dr	33.3%	66.7%
7	Hamner Ave and Cantu Galleano Ranch Rd	33.3%	66.7%

CITY OF ONTARIO

CITY OF EASTVALE

 City Engineer

 City Engineer

Effective Date: _____



City of Eastvale

City Council Meeting Agenda

Staff Report

MEETING DATE: SEPTEMBER 11, 2013

TO: MAYOR AND COUNCIL MEMBERS

FROM: ERIC NORRIS, PLANNING DIRECTOR

SUBJECT: CHANGES TO THE RULES GOVERNING TEMPORARY EVENTS

RECOMMENDATION: ADOPT THE NOTICE OF EXEMPTION AND HOLD FIRST READING OF ORDINANCE NO. 2013-14

BACKGROUND:

A discussion of the background of the proposed changes to the Zoning Code is included in the Planning Commission staff report, Attachment A to this report.

DISCUSSION:

A discussion of the proposed changes to the temporary event regulations is included in the Planning Commission staff report.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission voted (3-2) on August 21 to recommend the adoption of the updated temporary event regulations, with two minor changes:

- 1) The Commission recommended adding a definition of “holidays” to clarify what dates would be covered by the wording in proposed section 1.5.G.7 (which exempts “Yard or garage sales, or holiday displays”). Staff suggests the following change:

“c. Yard or garage sales, or displays associated with federal holidays, other commonly observed celebrations and observances, and religious holidays.” [expanded wording]

- 2) The Commission recommended adding a requirement that the site of a temporary event be restored to its original condition within one week. Staff suggests the following additions and edits to proposed sections 1.5.G.8 and 1.5.G.10:

“1.5.G.8: e. The site of the temporary event shall be returned to its original condition within one week of the end of the event.” [new section]

“1.5.G.10: a. The City may require a sponsor of a temporary event to post a bond or to otherwise financially secure that the event location is restored to its original condition within one week and that the City is fully reimbursed for any unanticipated law enforcement or emergency medical expenses.” [new wording]

ENVIRONMENTAL:

Staff has prepared a Notice of Exemption (Attachment B to this staff report), which must be adopted as part of the Council’s action to amend the Zoning Code.

FISCAL IMPACT:

Adoption of the proposed changes to temporary event regulations would have minimal financial impact to the City. By adding new types of “Exempt Temporary Events,” the new regulations will reduce the cost of hosting an event for many local event sponsors.

SUGGESTED MOTION:

Should the Council wish to adopt the proposed Zoning Code change as presented, the following motion is suggested:

“I move that the we adopt the proposed Notice of Exemption and hold first reading of Ordinance No. 2013-14 .”

ATTACHMENTS:

1. August 21, 2013, Planning Commission Staff Report
2. Notice of Exemption
3. Ordinance No. 2013-14

Prepared by: List name here

Reviewed by: Department Head Name Here

City Manager

City Attorney



City of Eastvale

Planning Commission Meeting Agenda

Staff Report

MEETING DATE: AUGUST 21, 2013

TO: PLANNING COMMISSION

FROM: ERIC NORRIS, PLANNING DIRECTOR

SUBJECT: PROPOSED CHANGES TO REGULATIONS RELATED TO TEMPORARY EVENTS

RECOMMENDATION

Staff recommends that the Planning Commission review the proposed changes to the City's temporary event regulations and make a recommendation of approval to the City Council. The proposed regulations were reviewed by the City Attorney before being distributed to the Planning Commission.

BACKGROUND

The City has, since incorporation, regulated temporary events—generally, special events that take place for a short period (one to three days).¹ The purpose of the City's regulation is to ensure the safety of the public when attending these events; proposed plans for events are reviewed by City departments and outside agencies with a direct role in public safety issues:

- Eastvale Public Works—Reviews plans for traffic control and road closures²
- Eastvale Building & Safety—Reviews plans for temporary electrical power, structures, etc.
- Eastvale Police—Reviews plans for crowd control and public safety
- Riverside County Fire—Reviews plans (for structures and operations) to ensure compliance with fire codes
- Environmental Health—Reviews food handlers to make sure all necessary food safety standards are implemented

¹ Temporary *uses*, such as Christmas tree lots, are regulated by a different section of the Zoning Code and would not be affected by these proposed changes.

² Note: Block parties, which may require a road closure permit from Public Works, are exempt from the requirement for a temporary event.

All of these agencies may issue their own permits and often visit temporary events during their operation to ensure that conditions are complied with.

Planning has historically coordinated the review of temporary events by these agencies and has issued the temporary event permit to the event sponsor. Typically, Planning has not imposed conditions on temporary events.

The update to the Eastvale Zoning Code adopted in July 2012 made a number of changes to the temporary event regulations inherited from Riverside County. In general, these changes attempted to better reflect the types of temporary events that take place in Eastvale (compared to the unincorporated county areas for which the original regulations were created) and to establish a process for determining which events require a permit.

In practice, the updated regulations did not meet the City's needs. In response, the City Manager in late 2012 issued a temporary stay on the enforcement of the temporary event regulations; all temporary events in Eastvale since then (and for all of 2013) have operated *without* obtaining a temporary event permit, but *with* review by the agencies listed above.

In March 2013, the City Council established an ad hoc committee (Council members Rush and Welch) to meet with staff and develop improved regulations. The committee's discussions included:

- Confirming the City's desire to continue with a temporary event permit process;
- Defining which types of temporary events should and should not be required to obtain a permit; and
- Developing a process for the review and approval of temporary events that reduces the time and cost of the permit.

The proposed regulations discussed in this staff report reflect the work of the ad hoc committee and City staff.

DISCUSSION:

The table below contains the full text of the proposed changes to the temporary events section of the Zoning Code (Section 1.5.G). The full text of the current version of Section 1.5.G is included in the appendices to this report.

The most significant changes to the regulations include (in the order in which they appear in the proposed update):

- A new prohibition of events (Section 1.5.G.5) that involve temporary structures into which the general public is invited. This regulation would allow structures (such as holiday displays) that are intended to be *viewed* by the public, but would prohibit structures that are intended to be *entered*, such as haunted houses in a front yard. (A

haunted house or other use could be conducted inside a house or other permanent building.

- A simpler description of the process for the submittal of temporary event permit applications by the Planning Department (Section 1.5.G.6).
- A revised listing of exempt event types (Section 1.5.G.7). The most significant change in this section is the proposal to exempt events, which “...are consistent with the clearly intended use of the facility.”

This would exempt, for instance, non-school-sponsored theatrical or similar events in the theater at Eleanor Roosevelt High School or privately sponsored sporting events in the stadium at the high school. These events may still require review by other agencies (for instance, if food vendors were part of the sporting event, they would need approval from County Environmental Health), but they would not need a City-issued temporary event permit because these events are consistent with the intended use of the School.

Proposed Amendments to Section 1.5.G of the Eastvale Zoning Code, “Temporary Events”³	
Proposed Language	Notes
<p>1. Purpose. The purpose of this Section is to ensure that the sponsors of temporary events obtain all required permits and approvals from the City and other agencies to ensure the safety of the public attending the events.</p>	
<p>2. Temporary Event Permit and Compliance with All City and Outside Agency Permits Is Required. All temporary events shall obtain a temporary event permit from the City at least seven (7) calendar days before the event, and shall comply before, during, and after the event with all requirements, conditions, etc., which may be imposed by the City and/or outside agencies.</p> <p>City departments and other public agencies to be consulted include:</p> <ul style="list-style-type: none"> a. City of Eastvale Building & Safety Department b. City of Eastvale Public Works Department c. City of Eastvale City Manager’s Office d. Riverside County Fire Department e. City of Eastvale Police Department f. Riverside County Department of 	<p>This section emphasizes the need for temporary event sponsors to comply with all required approvals from the City and other agencies.</p>

³ The “proposed language” shown in this table would replace in its entirety the current Section 1.5.G of the Zoning Code.

**Proposed Amendments to
Section 1.5.G of the Eastvale Zoning Code, "Temporary Events"³**

Proposed Language	Notes
<p style="text-align: center;">Environmental Health</p> <p>Coordination with these agencies will be facilitated and verified by the City, as described in subsection 6, below.</p> <p><i>Note: A temporary use permit is required for some types of commercially oriented temporary activities that are not considered temporary events. Please see Section 5.11 of this Code.</i></p>	
<p>3. Application for a Temporary Event Permit. The temporary event sponsor shall submit an application for a temporary event permit to the City with sufficient information for review by the City and other agencies not less than forty-five (45) days prior to the start of the temporary event.</p>	<p>This section has been revised to reduce the application deadline from 60 days prior to 45 days prior.</p>
<p>4. Temporary Events Defined. Temporary events are generally one-time events of no more than three days in length (including annual or recurring events). Examples include fairs; carnivals; rodeos; shows; walking, running, and/or bicycling events and races; parades, and tent revival meetings.</p>	<p>Only minor changes from the existing Zoning Code, including defining temporary events as typically lasting up to three days.</p>
<p>5. Prohibited Temporary Events. Any temporary event that invites members of the public into or on a temporary structure on residential property by any person is prohibited. For the purposes of this Section, "temporary structure" is any enclosed or unenclosed structure requiring assembly of materials or parts and erected for a period not to exceed forty-five (45) consecutive days. This definition excludes tables, chairs, umbrellas, or inflatable objects.</p>	<p>This section is intended to protect the public and reduce impacts to neighborhoods by prohibiting the use of temporary structures as attractions for the public. This would not prohibit temporary structures (holiday displays, etc.), and it would not prohibit a homeowner or his/her guests from entering such a structure.</p>
<p>6. Verification of Compliance with City and Agency Requirements. Unless a temporary event is exempt as defined below, the Planning Department shall verify either that:</p> <ol style="list-style-type: none"> a. The event does not require a review or permit by the departments or agencies listed in subsection 2, above; or b. Any required permits from the departments and agencies listed in section 1.5.G.2 have been obtained. 	<p>This is a new section that defines the role of Planning in the review and issuance of temporary event permits.</p>

**Proposed Amendments to
Section 1.5.G of the Eastvale Zoning Code, "Temporary Events"³**

Proposed Language	Notes
Once coordination has been verified by the Planning Department, a temporary event permit will be issued, and the temporary event may proceed.	
<p>7. Exempt Temporary Events. The following are exempt from the requirements of this Section, unless they require approval or permits from any of the departments or agencies listed in subsection 2, above:</p> <ul style="list-style-type: none"> a. Temporary facilities to accommodate emergency public health and safety needs and activities. b. Noncommercial events conducted at private homes (weddings, parties, etc.), which do not involve the construction of temporary structures in the front yard. c. Yard or garage sales, or holiday displays. d. Promotional events and grand opening celebrations in established commercial shopping centers that do not interfere with vehicular traffic on public or private streets and driveways, do not disrupt the proper functioning of parking areas, do not involve the outdoor sale of goods and merchandise, and do not exceed two days in duration. e. Uses or events which are consistent with the clearly intended use of the facility (e.g., sporting events in a stadium or a play in a theater), as determined by the Planning Director. <p><i>Note: While exempt from the requirements of this Chapter, these temporary events must comply with all applicable City, County, and other requirements.</i></p>	<p>This section expands on the current Zoning Code by exempting events that are consistent with the intended use of a facility (e.g., a football game in a stadium).</p>
<p>8. Temporary Event Standards. Temporary events must comply with the following standards:</p> <ul style="list-style-type: none"> a. All parking spaces for patrons and guests shall be provided on-site where the activity is taking place. On-street or off-site parking may be used in lieu of on-site parking if approved by the City. 	<p>This section is essentially the same as the current Zoning Code.</p>

Proposed Amendments to Section 1.5.G of the Eastvale Zoning Code, “Temporary Events”³	
Proposed Language	Notes
<ul style="list-style-type: none"> b. Vehicular access to the event site shall not create traffic conflicts or congestion on city streets during the operation of the event. c. Noise created by the event shall not exceed the levels outlined in the City of Eastvale Noise Ordinance. d. The concentration or placement of persons, animals, structures, or vehicles shall not interfere with emergency access. 	
<p>9. Limitation. The City may limit the number of temporary events at a location.</p>	
<p>10. Bond and Insurance. Bonding or insurance may be required to be in place in advance of a temporary event, as follows:</p> <ul style="list-style-type: none"> a. The City may require a sponsor of a temporary event to post a bond or to otherwise financially secure that the event location is restored to its original condition and that the City is fully reimbursed for any unanticipated law enforcement or emergency medical expenses. The City shall determine the amount of the bond or other security, and the event sponsor shall post it with the permitting authority. b. The City may require that the sponsor of a temporary event show proof of liability insurance naming the City as an additional insured. 	<p>This section includes minor edits for clarity and adds a requirement that bonding or insurance be in place at least 30 days prior to the temporary event.</p>
<p>11. Enforcement. The City may require the immediate closure of any nonexempt event that is operating without a temporary event permit or is not in compliance with any requirements, conditions, etc., which have been imposed by the City or any agency.</p>	<p>This section has been edited for consistency with other proposed changes, but is generally the same as the current Zoning Code.</p>

The intent is to continue to have the temporary event permit process coordinated by the Planning Department, using the electronic project tracking system currently being implemented at City Hall.

RECOMMENDATION

As noted earlier in this report, the proposed changes are consistent with the ad hoc committee's recommendations. Staff recommends that the Planning Commission recommend adoption of the updated regulations by the City Council.

Planning Commission Options

The Planning Commission has several options for recommending to the City Council:

1. The Commission could recommend leaving the temporary event regulations in the Zoning Code unchanged.
2. The Commission could suggest additional changes to the City Council.
3. The Commission could determine that additional research and/or revisions are needed, and postpone making a recommendation to the City Council.⁴

FISCAL IMPACT

The proposed changes to the temporary event standards would not have a significant impact on the City's finances. Adding to the list of exempt events would result in savings to applicants whose events no longer require a City-issued temporary event permit.

ATTACHMENT

1. Current version of Section 1.5.G of the Eastvale Zoning Code

Prepared by: Eric Norris, Planning Director
Reviewed by: John Cavanaugh, City Attorney

⁴ In this case, the public hearing at the City Council scheduled for August 28 would be continued to a future date.

ATTACHMENT 1

**CURRENT SECTION 1.5.G
OF THE
EASTVALE ZONING CODE**

- f. The site shall not be located within 300 feet of any other large family day care home, measured property line to property line. Certain exceptions, in the form of legitimate barriers and buffers, such as a highway or arterial roadway, that would provide comparable separation, may be allowed as determined by the Planning Director.
- g. For sites located less than 300 feet from any other large family day care home, measured property line to property line, approval of a Conditional Use Permit by the Planning Commission is required.
- h. If the site has a swimming pool or spa, the pool or spa shall meet all current code regulations for fencing, gate latches, and alarms.
- i. Not more than fourteen (14) children, including children under age 10 who reside at the home, may be cared for at any large family day care home, and not more than one family day care home shall be located on any single parcel.
- j. An on-site identification sign may be permitted in accordance with the provisions of city sign requirements of this code or may be approved with the large family day care permit if submitted concurrently.
- k. If the applicant fails to obtain a valid state license as required under subsection 4.a, the permit may be subject to revocation in accordance with the provisions of this code.
- l. If the applicant fails to comply with any requirement of this section or, if the applicant ceases or suspends operation of the large family day care home for a continuous period of one (1) year or more, the permit may be subject to revocation in accordance with the provisions of this code.

G. Temporary Event and Permits

1. **Purpose.** The following provisions create a review and clearance process for the review of Temporary Events to ensure public safety.
2. **Temporary Events Defined.** Temporary events are typically one-time events of short duration (including annual or recurring events). Examples include fairs; carnivals; rodeos; shows; walking, running, and/or bicycling events and races; parades, and tent revival meetings.
3. **Temporary Event Permit Required.** Unless exempt as defined below, a Temporary Event Permit is required if any of the following apply:
 - a. The event will take place entirely or partially on a public road or right of way.
 - b. The event has the potential to exceed the capacity of onsite parking.
 - c. The event has the potential to affect the flow of traffic on a public roadway or to require special traffic controls to ensure the safe operation of public streets.
 - d. The event is not permitted by an underlying Conditional Use Permit or other approval, or is not part of the normal, day-to-day functions occurring at the site.
 - e. The event will exceed the normal capacity of the building or venue at which it will take place.
 - f. The event involves commercial activities and takes place on a residential or agricultural zoning district.
 - g. A fee or donation for admission is required.

Note: A Temporary Use Permit is required for some types of commercially oriented temporary activities which are not considered Temporary Events. Please see Section 5.11 of this Code.

4. **Process.** All non-exempt temporary events shall comply with the following process:
 - a. **Notice to the City for Initial Screening.** The City shall be notified of the proposed event at the first opportunity. This may occur in either of the following ways:
 - 1) For events held at venues owned or operated by a public agency, the public agency shall notify the City as soon as an application for use of the venue is received.
 - 2) For all other events, the sponsor of the event shall notify the City at the earliest possible opportunity, but at least 70 days prior to the event. Notice to the City may be in writing via letter, fax or email.
 - b. **Initial Screening.** The City will perform an initial screening to determine whether the event would require review and the issuance of a Temporary Event Permit.
 - c. **Routing.** If the City determines that an event requires a Temporary Event Permit, the Planning Department shall contact the event sponsor and request an application.
 - d. **Detailed Application Submittal.** A detailed application shall be submitted to the Planning Department a minimum of 60 days prior to the event. The 60-day requirement may be reduced or waived at the sole discretion of the Planning Director if it determined that adequate review by all necessary city departments and outside agencies can occur within the abbreviated time period.
 - e. **Routing.** Once a complete application has been received for a Temporary Event Permit, the Planning Department will route the application materials to the necessary departments and/or agencies for review.
 - f. **Permit Issuance.** The Planning Department will issue a Temporary Event Permit which includes any conditions of approval/requirements from the City, the County Fire Department, the County Environmental Health Department, or other agencies.
5. **Exempt Temporary Events.** The following are exempt from the requirements of this Chapter:
 - a. Temporary facilities to accommodate emergency public health and safety needs and activities.
 - b. Non-commercial events conducted at private homes (weddings, parties, etc.).
 - c. Block parties. Note: Block parties which involve closing or blocking streets may require an encroachment permit from the Public Works Department.
 - d. Yard or garage sales, holiday displays or other customary small scale residential activities.
 - e. Promotional events and grand opening celebrations in established commercial shopping centers that do not interfere with vehicular traffic on public or private streets and driveways, do not disrupt the proper functioning of parking areas. do not involve the outdoor sale of goods and merchandise, and do not exceed two days in duration.

Note: While exempt from the requirement to obtain a Temporary Use Permit, these uses must comply with all applicable City, County, and other requirements.

6. **Temporary Event Standards.** Temporary events must comply with the following standards:

- a. All parking spaces for patrons and guests shall be provided on-site where the activity is taking place. On-street or off-site parking may be used in lieu of on-site parking if approved by the City.
 - b. Vehicular access to the event site shall not create traffic conflicts or congestion on City streets during the operation of the event.
 - c. Noise created by the event shall not exceed the decibel levels outlined in the City of Eastvale Noise Ordinance.
 - d. The concentration of persons, animals or vehicles will not unduly interfere with emergency access.
7. **Limitation.** The City may limit the number of temporary events at a location.
8. **Requirements for Approval.** The Planning Director shall approve an application for an event permit if:
- a. The application limitation has not been exceeded.
 - b. The applicant has demonstrated that all of the requirements in 6. (Standards) have been addressed.
 - c. There is no pending code enforcement action on the property underlying the proposed event location.
 - d. An access and parking plan, if required, has been approved by the Public Works Director.
 - e. A security operations plan, if required, has been approved by the Police Department.
 - f. All required permits have been obtained from other agencies such as the Fire Department and the County Environmental Health Department.
9. **Time and Other Limitations.** Events shall not exceed two days in length. Conditions such as hours of operation, duration, size, etc or other conditions may be imposed to reduce impacts on adjacent areas.
10. **Bond and Insurance.**
- a. The City may require an applicant for a temporary event permit to post a bond or to otherwise financially secure that the event location is restored to its original condition and that the City is fully reimbursed for any unanticipated law enforcement or emergency medical expenses. The Planning Director shall determine the amount of the bond or other security and the applicant shall post it with the City Building and Safety Director.
 - b. All events which require a Temporary Event Permit shall obtain indemnity or liability insurance naming the City as an additional insured.
11. **Similar Uses.** When a temporary event is not specifically listed in this Section, the Director shall determine whether the proposed use is similar in nature to listed uses(s) according to Section 1.5.A (Planning Director Determinations).
12. **Revocation.** A Temporary Event Permit may be revoked pursuant to and in accordance with this Code.
13. **Enforcement.** The City may require the immediate closure of any non-exempt event which is operating without a Temporary Event Permit.

CITY OF EASTVALE, CA

NOTICE OF EXEMPTION

TO BE SENT TO:

- | | |
|--|--|
| <input checked="" type="checkbox"/> County of Riverside County Clerk | <input type="checkbox"/> Office of Planning and Research |
| <input checked="" type="checkbox"/> P.O. Box 12004 | <input type="checkbox"/> P.O. Box 3044 |
| <input type="checkbox"/> Riverside, CA 92502 | <input type="checkbox"/> Sacramento, CA 95812-3044 |

PROJECT CASE NO: Temporary Event Regulations

PROJECT APPLICANT/SPONSOR: City of Eastvale – Planning Department

PROJECT LOCATION: City of Eastvale, California

APN(s): Citywide

PROJECT DESCRIPTION: An amendment to the Eastvale Zoning Code for regulating temporary events

The project or activity identified above is determined to be exempt from further environmental review requirements contained in the California Environmental Quality Act (CEQA).

EXEMPTION STATUS:

- Ministerial (*Sec. 21080(b)(1); Sec. 15268*)
- Declared Emergency (*Sec. 21080(b)(3); Sec. 15269(a)*)
- Statutory Exemption (*Sec.*)
- ✓ Categorical Exemption Section 15305 – Class 5 – *Minor Alterations in Land Use Limitations*
- Other: (*Sec.*)

REASONS TO SUPPORT EXEMPTION FINDINGS: The proposed amendment to the Eastvale Zoning Code for temporary event regulations defines which types of temporary events should and should not be required to obtain a permit and simplifies the process for obtaining temporary event permits. The proposed amendment would not result in any changes in land use or density and none of the changes will create a new parcel.

PHONE NUMBER: (951) 703-4460

LEAD AGENCY CONTACT:

CITY OF EASTVALE PLANNING DEPARTMENT
Eric Norris, Planning Director

ORDINANCE NO. 2013-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EASTVALE MAKING FINDINGS AND ADOPTING AN AMENDMENT TO THE EASTVALE ZONING CODE FOR REGULATING TEMPORARY EVENTS

WHEREAS, upon its incorporation in 2010, the City of Eastvale (“City”) adopted the Riverside County Zoning Code that regulated temporary events; and

WHEREAS, subsequently in May 2012, the City adopted a comprehensive update to its Zoning Code to (i) reflect the goals, policies, and implementation measures of the City’s first General Plan; (ii) ensure compliance with applicable federal and state legislation; (iii) address the City’s key zoning issues; (iv) create development standards reflective of community desires; (v) improve organization of usability of the Zoning Code; and (vi) change the temporary event regulations to better reflect the types of temporary events that take place in Eastvale; and

WHEREAS, in March 2013, the City Council established an ad hoc committee to work in staff in developing improved temporary events regulations; and

WHEREAS, a draft updated regulations for temporary events has been completed to define which types of temporary events should and should not be required to obtain a permit, establish a process for review and approval of temporary events that reduces the time and cost of the permit, and address other issues that are attached to this Ordinance and incorporated herein by reference in Exhibit A (collectively, “Temporary Event Regulations”); and

WHEREAS, once adopted, the updated Temporary Event Regulations will replace Section 1.5.G of the Eastvale Zoning Code that currently regulates temporary events; and

WHEREAS, pursuant to state law, the Planning Commission on August 21, 2013, held a lawfully noticed public hearing on the proposed Temporary Event Regulations at which the Planning Commission received testimony on the proposed regulations; and

WHEREAS, after considering all public testimony, the Planning Commission recommended approval of the proposed Temporary Event Regulations as an amendment to the Eastvale Zoning Code to the City Council; and

WHEREAS, upon receiving the Planning Commission’s recommendation of approval of the proposed Temporary Event Regulations, the City Council held a lawfully noticed public hearing on September 11, 2013, to consider adoption of the Temporary Event Regulations as an amendment to the Eastvale Zoning Code; and

WHEREAS, the City Council finds that the proposed Temporary Event Regulations is consistent with the City’s General Plan because the regulations are compatible with applicable General Plan goals and policies, and do not impede achievement of the goals, policies, and actions; and

WHEREAS, the City is authorized to adopt the Temporary Event Regulations as an amendment to the Eastvale Zoning Code pursuant to its “police power” granted by the California Constitution, in that, by establishing appropriate land uses and development standards for the efficient, orderly, and compatible development of real property, adoption of the Temporary Event Regulations is reasonably related to the protection of the public health, safety, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EASTVALE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Environmental Findings

Pursuant to CEQA, and in light of the whole record before it, including but not limited to the City’s local CEQA Guidelines and Thresholds of Significance, the proposed Categorical Exemption incorporated therein by reference, any written comments received and responses provided, and other substantial evidence (within the meaning of Public Resources Code Sections 21080(e) and 21082.2) within the record and/or provided at the public hearing, the City Council hereby finds and determines as follows:

Finding: The project qualifies for a Categorical Exemption pursuant to CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. This section “consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to (a) Minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcel.”

Evidence: The proposed amendment to the Eastvale Zoning Code for Temporary Event Regulations defines which types of temporary events should and should not be required to obtain a permit and simplifies the process for obtaining temporary event permits. The proposed amendment would not result in any changes in land use or density and none of the changes will create a new parcel.

SECTION 2. Zoning Code Amendment

Pursuant to Section 1.7 of the City of Eastvale Zoning Code, the City Council makes the finding below pertaining to an amendment to the Eastvale Zoning Code for Temporary Event Regulations:

Finding 1: The City Council finds that the changes are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed amendment to the Eastvale Zoning Code for Temporary Event Regulations is consistent with the City’s General Plan because the new regulations are compatible with applicable General Plan goals and policies, and do not impede achievement of the goals, policies, and actions. The proposed Temporary Event Regulations defines which types of temporary events should and should not be required to obtain a permit and simplifies the process for review and approval of temporary events

that reduces the time and cost of the permit. The amendment will not change or impact the primary use of the property and is, therefore, consistent with the General Plan because they do not change the zoning or land use designations or permitted uses of any properties.

Finding 2: If the amendment affects land within the Chino Airport Influence Area, the City Council must make an additional finding that the amendment is consistent with the most recent adopted version of the Chino Airport Land Use Compatibility Plan.

Evidence: The Airport Land Use Compatibility Plan shows that the northwestern portion of the city is located in Zones C, D, and E. These zones prohibit high noise-sensitive outdoor nonresidential uses, discourage schools, hospitals, and nursing homes, and require airspace review for structures taller than 70 feet. The proposed amendment does not involve development of prohibited or discouraged uses in Zones C, D, and E. For this reason, the proposed amendment does not require review by the Airport Land Use Commission and is consistent with the policies of the City of Eastvale General Plan and the Airport Land Use Compatibility Plan.

SECTION 3. Adoption of Temporary Event Regulations

(a) The City Council hereby adopts an amendment to the Eastvale Zoning Code for Temporary Event Regulations, attached to this Ordinance and incorporated herein by reference as Exhibit A.

(b) The City Council hereby repeals Section 1.5.G of the Zoning Code, which is superseded by the Temporary Event Regulations.

SECTION 4. Severability

If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Ordinance that can be given effect without the invalid provision and, to this end, the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

SECTION 5. Publication and Effective Date

Within fifteen (15) days after adoption, a summary of this Ordinance shall be published once in the *Riverside Press Enterprise*, a newspaper of general circulation printed and published in Riverside County and circulated in the City of Eastvale, in accordance with Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED, AND ORDAINED this 25th day of September 2013.

Ike Bootsma, Mayor

Attest:

Ariel M. Hall, Assistant City Clerk

Approved as to form:

John E. Cavanaugh, City Attorney

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

I, Ariel M. Hall, Assistant City Clerk of the City of Eastvale, do hereby certify that the foregoing Ordinance Number 2013-14 was duly and regularly adopted by the City Council of the City of Eastvale at a regular meeting held the 25th day of September 2013, by the following called vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ariel M. Hall, Assistant City Clerk

Exhibit A – Temporary Event Regulations

1.5.G. Temporary Event and Permits

1. **Purpose.** The purpose of this section is to ensure that the sponsors of temporary events obtain all required permits and approvals from the City and other agencies to ensure the safety of the public attending the events.
2. **Temporary Event Permit and Compliance with All City and Outside Agency Permits Is Required.** All temporary events shall obtain a temporary event permit from the City at least seven (7) calendar days before the event, and shall comply before, during, and after the event with all requirements, conditions, etc., which may be imposed by the City and/or outside agencies.

City departments and other public agencies to be consulted include:

- a. City of Eastvale Building & Safety Department
- b. City of Eastvale Public Works Department
- c. City of Eastvale City Manager's Office
- d. Riverside County Fire Department
- e. City of Eastvale Police Department
- f. Riverside County Department of Environmental Health

Coordination with these agencies will be facilitated and verified by the City, as described in subsection 6, below.

Note: A temporary use permit is required for some types of commercially oriented temporary activities that are not considered temporary events. Please see Section 5.11 of this Code.

3. **Application for a Temporary Event Permit.** The temporary event sponsor shall submit an application for a temporary event permit to the City with sufficient information for review by the City and other agencies not less than forty-five (45) days prior to the start of the temporary event.
4. **Temporary Events Defined.** Temporary events are generally one-time events of no more than three (3) days in length (including annual or recurring events). Examples include fairs; carnivals; rodeos; shows; walking, running, and/or bicycling events and races; parades, and tent revival meetings.
5. **Prohibited Temporary Events.** Any temporary event that invites members of the public into or on a temporary structure on residential property by any person is prohibited. For the purposes of this section, "temporary structure" is any enclosed or unenclosed structure requiring assembly of materials or parts and erected for a period not to exceed forty-five (45) consecutive days. This definition excludes tables, chairs, umbrellas, or inflatable objects.
6. **Verification of Compliance with City and Agency Requirements.** Unless a temporary event is exempt as defined below, the Planning Department shall verify either that:

- a. The event does not require a review or permit by the departments or agencies listed in subsection 2, above.
- b. Any required permits from the departments and agencies listed in section 1.5.G.2 have been obtained.

Once coordination has been verified by the Planning Department, a temporary event permit will be issued, and the temporary event may proceed.

7. **Exempt Temporary Events.** The following are exempt from the requirements of this section, unless they require approval or permits from any of the departments or agencies listed in subsection 2, above:

- a. Temporary facilities to accommodate emergency public health and safety needs and activities.
- b. Noncommercial events conducted at private homes (weddings, parties, etc.), which do not involve the construction of temporary structures in the front yard.
- c. Yard or garage sales, or holiday displays.
- d. Promotional events and grand opening celebrations in established commercial shopping centers that do not interfere with vehicular traffic on public or private streets and driveways, do not disrupt the proper functioning of parking areas, do not involve the outdoor sale of goods and merchandise, and do not exceed two (2) days in duration.
- e. Uses or events which are consistent with the clearly intended use of the facility (e.g., sporting events in a stadium or a play in a theater), as determined by the Planning Director.

Note: While exempt from the requirements of this chapter, these temporary events must comply with all applicable City, County, and other requirements.

8. **Temporary Event Standards.** Temporary events must comply with the following standards:

- a. All parking spaces for patrons and guests shall be provided on-site where the activity is taking place. On-street or off-site parking may be used in lieu of on-site parking if approved by the City.
- b. Vehicular access to the event site shall not create traffic conflicts or congestion on city streets during the operation of the event.
- c. Noise created by the event shall not exceed the levels outlined in the City of Eastvale Noise Ordinance.
- d. The concentration or placement of persons, animals, structures, or vehicles shall not interfere with emergency access.

9. **Limitation.** The City may limit the number of temporary events at a location.

10. **Bond and Insurance.** Bonding or insurance may be required to be in place in advance of a temporary event, as follows:
 - a. The City may require a sponsor of a temporary event to post a bond or to otherwise financially secure that the event location is restored to its original condition and that the City is fully reimbursed for any unanticipated law enforcement or emergency medical expenses. The City shall determine the amount of the bond or other security, and the event sponsor shall post it with the permitting authority.

 - b. The City may require that the sponsor of a temporary event show proof of liability insurance naming the City as an additional insured.

11. **Enforcement.** The City may require the immediate closure of any nonexempt event that is operating without a temporary event permit or is not in compliance with any requirements, conditions, etc., which have been imposed by the City or any agency.



City of Eastvale

City Council Meeting Agenda

Staff Report

MEETING DATE: SEPTEMBER 11, 2013

7. *OLD BUSINESS ITEMS:*



City of Eastvale
City Council Meeting Agenda
Staff Report

MEETING DATE: SEPTEMBER 11, 2013

TO: MAYOR AND COUNCIL MEMBERS

FROM: CAROL JACOBS, CITY MANAGER

SUBJECT: FUNDING OF ADDITIONAL CROSSING GUARD AT CLARA BARTON ELEMENTARY SCHOOL

RECOMMENDATION: APPROVE \$5,350 FOR ONE ADDITIONAL CROSSING GUARD AT CLARA BARTON ELEMENARY SCHOOL

BACKGROUND:

In July of 2012 the City and the Corona-Norco Unified School District entered into an agreement to fund 50% of crossing guards at Eastvale schools in exchange for utilizing school facilities for City Council and Planning Commission meetings. The City currently funds four school locations based on student counts (Attachment 1). The cost identified in the attachment is higher than the budget due to differences between the school year and the fiscal year.

DISCUSSION:

A study was conducted due to parent concerns, of the number of student crossing at Eastvale Parkway and Alderwood Avenue adjacent to Clara Barton. It was determined that due to the number of children crossing at this location a school crossing guard is warranted. A crossing guard is warranted if at least 40 children cross at a non-signalized intersection.

FISCAL IMPACT:

Approve budget adjustment in the amount of \$5,350 from the general fund contingency account to 100-400-6468.

Attachment: Letter from Corona-Norco Unified School District



CORONA-NORCO UNIFIED SCHOOL DISTRICT
 2820 CLARK AVENUE • NORCO, CALIFORNIA 92860-1903
 TELEPHONE: (951) 736-5000 • <http://www.cnusd.k12.ca.us>

Michael H. Lin, Ed.D., Superintendent
 Tel.: (951) 736-5010 / Fax: (951) 736-5015

Sherry Mata, Deputy Superintendent
 Business Services
 Tel.: (951) 736-5020 / Fax: (951) 736-5055

Samuel Buenrostro, Ed.D., Asst. Superintendent
 Human Resources
 Tel.: (951) 736-5060 / Fax: (951) 736-5077

Michael G. Cobarrubias, Asst. Superintendent
 Instructional Support
 Tel.: (951) 736-5111 / Fax: (951) 736-5172

David C. Hansen Ed. D., Asst. Superintendent
 Educational Services
 Tel.: (951) 736-5080 / Fax: (951) 736-5087

Ted E. Rozzi, Asst. Superintendent
 Facilities
 Tel.: (951) 736-5045 / Fax: (951) 736-5047

Linda K. White
 Assistant to the Superintendent
 Tel.: (951) 736-5003 / Fax: (951) 736-5015

September 5, 2013

Carol Jacobs, City Manager
 Eastvale City Hall
 12363 Limonite Avenue, Suite 910
 Eastvale, CA 91752

Re: Eastvale Crossing Guards
 Additional Guard at Eastvale Parkway and Alderwood Avenue
 Clara Barton Elementary School

Dear Ms. Jacobs,

As requested, here is the current location and cost for crossing guards in the city of Eastvale under the 50% cost sharing agreement between the City and the Corona-Norco Unified School District:

AGENCY	SCHOOL	LOCATION	HOURS	RATE/HR	WEEKLY	ANNUAL	50% COST
EASTVALE	BARTON	CORONA VALLEY/GARDENIA	4.00	\$14.06	\$281.20	\$12,935.20	
EASTVALE	EASTVALE	ORANGE ST (MID-BLOCK)	4.00	\$14.06	\$281.20	\$12,935.20	
EASTVALE	HARADA	65TH/OAKDALE	4.00	\$14.06	\$281.20	\$12,935.20	
EASTVALE	HARADA	OAKDALE/MERRY MEADOWS	4.00	\$14.06	\$281.20	\$12,935.20	
						\$51,740.80	\$25,870.40

The addition of a crossing guard at the intersection of Eastvale Parkway and Alderwood Avenue adjacent to Barton Elementary would cost an additional \$281.20 per week and \$5,342.80 (50% share) for the remaining 38 weeks of the 2013-14 school year under the current contract between the District and All Cities Management Services, Inc.

In addition, City staff has also indicated a crossing guard is "warranted" at Scholar Way and Baltimore Street at the flashing signal protected crosswalk serving River Heights Intermediate and Roosevelt High School. The addition of a crossing guard at that location would have the same approximate annual impact to both agencies. The District has not determined how to proceed at that location.

Respectfully,

Ted E. Rozzi, Assistant Superintendent, Facilities

C: Michael H. Lin, Ed. D., Superintendent
 Sherry Mata, Deputy Superintendent, Business Services
 Mary Perea, Administrative Director, Business Services

Board of Education

Jose W. Lalas, Ph.D. Bill Newberry
 Cathy L. Sciortino Michell A. Skipworth John "Mr. Z" Zickefoose





City of Eastvale
City Council Meeting Agenda
Staff Report

MEETING DATE: SEPTEMBER 11, 2013

TO: MAYOR AND COUNCIL MEMBERS

FROM: CAROL JACOBS, CITY MANAGER

**SUBJECT: LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE
RESOLUTIONS**

RECOMMENDATION: 1) DISCUSS AND DETERMINE IF ADDITIONAL COUNCIL MEMBER SHOULD ATTEND THE ANNUAL CONFERENCE OR APPOINT NEW VOTING DELEGATE AND ALTERNATES, AND 2) DISCUSS AND DETERMINE CITY VOTING POSITION ON TWO LEAGUE OF CALIFORNIA CITIES RESOLUTIONS

BACKGROUND:

At the City Council meeting on May 22, 2013, the City Council appointed Council Member Welch as the voting delegate, and Mayor Pro Tem Rush and Council Member Howell as voting alternates for the League of California Cities Annual Conference. To date, Council Member DeGrandpre is the only member of the City Council that is scheduled to attend the conference on September 18, 2013.

DISCUSSION:

In order for the City to vote on the attached League of California Cities resolutions, a voting delegate or alternate must be in attendance at the business meeting during the Annual Conference. The City Council may appoint a new voting delegate and up to two alternates, or register additional individuals to attend the Annual Conference in Sacramento.

FISCAL IMPACT:

The cost to send additional members to the Annual Conference is approximately \$1,250 per person.

ATTACHMENTS:

1. League of California Cities Resolutions Packet



CITY: _____

**2013 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Friday, September 13, 2013. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, September 13, 2013

League of California Cities
ATTN: **Mary McCullough**
1400 K Street
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: mmcullough@cacities.org
(916) 658-8247

July 23, 2013

TO: Mayors, City Managers and City Clerks
League Board of Directors

RE: Annual Conference Resolutions Packet
Notice of League Annual Meeting

Enclosed please find the 2013 Annual Conference Resolutions Packet.

Annual Conference in Sacramento. This year's League Annual Conference will be held September 18 - 20 in Sacramento. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at www.cacities.org/ac. We look forward to welcoming city officials to the conference.

Annual Luncheon/Business Meeting - Friday, September 20, 12:00 p.m. The League's Annual Business Meeting will be held at the Hyatt Regency Hotel.

Resolutions Packet. At the Annual Conference, the League will consider the two resolutions introduced by the deadline, Saturday, July 20, 2013, midnight. These resolutions are included in this packet. New this year, resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. These letters of concurrence are included with this packet. We request that you distribute this packet to your city council.

We encourage each city council to consider the resolutions and to determine a city position so that your voting delegate can represent your city's position on each resolution. A copy of the resolutions packet is posted on the League's website for your convenience: www.cacities.org/resolutions.

The resolutions packet contains additional information related to consideration of the resolutions at the Annual Conference. This includes the date, time and location of the meetings at which resolutions will be considered.

Voting Delegates. Each city council is encouraged to designate a voting delegate and two alternates to represent their city at the Annual Business Meeting. A letter asking city councils to designate their voting delegate and two alternates has already been sent to each city. Copies of the letter, voting delegate form, and additional information are also available at: www.cacities.org/resolutions.

**Please Bring This Packet to the Annual Conference
September 18 - 20 — Sacramento**



*Annual Conference
Resolutions Packet*

115th Annual Conference



*Sacramento
September 18 - 20, 2013*

ANNUAL CONFERENCE MEETING SCHEDULE FOR RESOLUTIONS

1. Policy Committee Meetings

Wednesday, September 18, 2013
Sheraton Grand Hotel
1230 J Street, Sacramento

Public Safety: 9:00 a.m. – 10:30 a.m.
Environmental Quality: 10:30 a.m. – 12:00 p.m.

2. General Resolutions Committee

Thursday, September 19, 2013, 1:00 p.m.
Sacramento Convention Center
1400 J Street, Sacramento

3. Annual Business Meeting and General Assembly Luncheon

Friday, September 20, 2013, 12:00 p.m.
Hyatt Regency Hotel
1209 L Street, Sacramento

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, two resolutions have been introduced for consideration by the Annual Conference and referred to the League policy committees.

POLICY COMMITTEES: Two policy committees will meet at the Annual Conference to consider and take action on resolutions referred to them. The committees are Environmental Quality and Public Safety. These committees will meet on Wednesday, September 18, 2013, at the Sheraton Grand Hotel in Sacramento. The sponsors of the resolutions have been notified of the time and location of the meetings.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, September 19, at the Sacramento Convention Center, to consider the reports of the two policy committees regarding the two resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:00 p.m. on Friday, September 20, at the Hyatt Regency Hotel.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (47 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Session of the General Assembly. This year, that deadline is 12:00 p.m., Thursday, September 19. If the petitioned resolution is substantially similar in substance to a resolution already under consideration, the petitioned resolution may be disqualified by the General Resolutions Committee.

Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's eight standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings

Wednesday, September 18, 2013
Sheraton Grand Hotel
1230 J Street, Sacramento

Public Safety: 9:00 a.m. – 10:30 a.m.
Environmental Quality: 10:30 a.m. – 12:00 p.m.

General Resolutions Committee

Thursday, September 19, 2013, 1:00 p.m.
Sacramento Convention Center
1400 J Street, Sacramento

Annual Business Meeting and General Assembly Luncheon

Friday, September 20, 2013, 12:00 p.m.
Hyatt Regency Hotel
1209 L Street, Sacramento

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
 2 - General Resolutions Committee
 3 - General Assembly

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
1	Water Bond Funds			

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
2	Public Safety Realignment			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet will be posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS (Continued)

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

Action Footnotes

- * Subject matter covered in another resolution
- ** Existing League policy
- *** Local authority presently exists

KEY TO ACTIONS TAKEN

- A - Approve
- D - Disapprove
- N - No Action
- R - Refer to appropriate policy committee for study
- a - Amend
- Aa - Approve as amended
- Aaa - Approve with additional amendment(s)
- Ra - Amend and refer as amended to appropriate policy committee for study
- Raa - Additional amendments and refer
- Da - Amend (for clarity or brevity) and Disapprove
- Na - Amend (for clarity or brevity) and take No Action
- W - Withdrawn by Sponsor

Procedural Note: Resolutions that are approved by the General Resolutions Committee, as well as all qualified petitioned resolutions, are reported to the floor of the General Assembly. In addition, League policy provides the following procedure for resolutions approved by League policy committees but *not* approved by the General Resolutions Committee:

Resolutions initially recommended for approval and adoption by all the League policy committees to which the resolution is assigned, but subsequently recommended for disapproval, referral or no action by the General Resolutions Committee, shall then be placed on a consent agenda for consideration by the General Assembly. The consent agenda shall include a brief description of the basis for the recommendations by both the policy committee(s) and General Resolutions Committee, as well as the recommended action by each. Any voting delegate may make a motion to pull a resolution from the consent agenda in order to request the opportunity to fully debate the resolution. If, upon a majority vote of the General Assembly, the request for debate is approved, the General Assembly shall have the opportunity to debate and subsequently vote on the resolution.

2013 ANNUAL CONFERENCE RESOLUTIONS

RESOLUTION REFERRED TO ENVIRONMENTAL QUALITY POLICY COMMITTEE

- 1. RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO WORK WITH THE LEAGUE OF CALIFORNIA CITIES IN PROVIDING ADEQUATE FUNDING AND TO PRIORITIZE WATER BONDS TO ASSIST LOCAL GOVERNMENT IN WATER CONSERVATION, GROUND WATER RECHARGE AND REUSE OF STORMWATER AND URBAN RUNOFF PROGRAMS.**

Source: Los Angeles County Division

Concurrence of five or more cities/city officials: Cities of Alhambra; Cerritos; Claremont; Glendora; Lakewood; La Mirada; La Verne; Norwalk; Signal Hill; Mary Ann Lutz, Mayor, city of Monrovia.

Referred to: Environmental Quality Policy Committee

Recommendations to General Resolutions Committee: Approve

WHEREAS, local governments play a critical role in providing water conservation, ground water recharge and reuse of stormwater infrastructure, including capture and reuse of stormwater for their citizens, businesses and institutions; and

WHEREAS, local governments support the goals of the Clean Water Act to ensure safe, clean water supply for all and the U.S. Environmental Protection Agency has encouraged local governments to implement programs to capture, infiltrate and treat stormwater and urban runoff with the use of low impact development ordinances, green street policies and programs to increase the local ground water supply through stormwater capture and infiltration programs; and

WHEREAS, local governments also support the State's water quality objectives, specifically Section 13241 of the Porter-Cologne Water Quality Control Act, on the need to maximize the use of reclaimed and water reuse and the Regional Water Quality Control Boards and the State Water Resources Board encourage rainwater capture efforts; and

WHEREAS, the State's actions working through the water boards, supported by substantial Federal, State and local investments, have led to a dramatic decrease in water pollution from wastewater treatment plants and other so-called "point sources" since 1972. However, the current threats to the State's water quality are far more difficult to solve, even as the demand for clean water increases from a growing population and an economically important agricultural industry; and

WHEREAS, the State's Little Hoover Commission found in 2009 that more than 30,000 stormwater discharges are subject to permits regulating large and small cities, counties, construction sites and industry. The Commission found that a diverse group of water users – the military, small and large businesses, home builders and local governments and more – face enormous costs as they try to control and limit stormwater pollution. The Commission concluded that the costs of stormwater clean up are enormous and that the costs of stormwater pollution are greater, as beach closures impact the State's economy and environmental damage threatens to impair wildlife; and

WHEREAS, at the same time that new programs and projects to improve water quality are currently being required by the U.S. EPA and the State under the National Pollution Discharge Elimination System (NPDES) permits and the Total Daily Maximum Load (TMDL) programs, many local governments find that they lack the basic infrastructure to capture, infiltrate and reuse stormwater and cities are facing difficult economic challenges while Federal and State financial assistance has been reduced due to the impacts of the recession and slow economic recovery; and

WHEREAS, cities have seen their costs with the new NPDES permit requirements double and triple in size in the past year, with additional costs anticipated in future years. Additionally, many local businesses have grown increasingly concerned about the costs of retrofitting their properties to meet stormwater and runoff requirements required under the NPDES permits and TMDL programs; and

WHEREAS, the League of California Cities adopted water polices in March of 2012, recognizing that the development and operation of water supply, flood control and storm water management, among other water functions, is frequently beyond the capacity of local areas to finance and the League found that since most facilities have widespread benefits, it has become the tradition for Federal, State and local governments to share their costs (XIV, Financial Considerations); and the League supports legislation providing funding for stormwater and other water programs; and

WHEREAS, the Governor and the Legislature are currently contemplating projects for a water bond and a portion of the bond could be directed to assist local government in funding and implementing the goals of the Clean Water Act and the State's water objectives of conserving and reusing stormwater in order to improve the supply and reliability of water supply; and now therefore let it be

RESOLVED by the General Assembly of the League of California Cities, assembled in Sacramento on September 20, 2013, that the League calls for the Governor and the Legislature to work with the League and other stakeholders to provide adequate funding for water conservation, ground water recharge and capture and reuse of stormwater and runoff in the water bond issue and to prioritize future water bonds to assist local governments in funding these programs. The League will work with its member cities to educate federal and state officials to the challenges facing local governments in providing for programs to capture, infiltrate and reuse stormwater and urban runoff.

//////////

Background Information on Resolution No. 1

Source: Los Angeles County Division

Background:

In order to meet the goals of both the Federal Clean Water Act and the State's Porter-Cologne Water Quality Control Act, which seek to ensure safe clean water supplies, cities provide critical water conservation, ground water recharge and reuse of stormwater infrastructure, including capture and reuse of stormwater for their citizens, businesses and institutions.

Working with the State's Regional Water Quality Control Boards and the State Water Resources Board through the National Pollution Discharge Elimination System (NPDES) permitting process and Total Maximum Daily Load (TMDL) Programs, California's cities implement programs to capture, infiltrate and treat stormwater and urban runoff with the use of low impact development ordinances, green streets policies and other programs to increase the local ground water supply.

These actions have led to a dramatic decrease in water pollution from wastewater treatment plants and other so-called "point sources" since the adoption of the Clean Water Act in 1972. However, current threats to the State's "non-point sources" of pollution, such as stormwater and urban runoff are far more difficult to solve, even as the demand for clean water increases from a growing population and an economically important agricultural industry.

Current Problem Facing California's Cities

The Little Hoover Commission found in 2009 that more than 30,000 stormwater discharges are subject to permits regulating large and small cities, counties, construction sites and industry. The Commission found that a diverse group of water users – the military, small and large businesses, home builders and local governments and more – face enormous costs as they try and control and limit stormwater pollution. The Commission concluded that the costs of stormwater clean up are enormous and that the costs of stormwater pollution are greater as beach closures impact the state's economy and environmental damage threatens to impair wildlife.

Additionally, new programs and projects to improve water quality are currently being required by the U.S. EPA and the State under the NPDES permits and the TMDL programs. Many local governments find that they lack the basic infrastructure to capture, infiltrate and reuse stormwater and the cities are facing difficult economic challenges while Federal and State financial assistance has been reduced due to the impacts of the recession and slow economic recovery.

Cities have seen their costs with the new NPDES permit requirements triple in size in the past year, with additional costs anticipated in future years. Additionally, many local businesses have grown increasingly concerned about the costs of retrofitting their properties to meet stormwater and runoff requirements required under the NPDES permits and TMDL programs.

In Los Angeles County alone, reports commissioned by the Los Angeles County Flood Control District estimate the costs of achieving region-wide compliance for implementing TMDL programs in the NPDES permits required by the Los Angeles Regional Water Quality Control Board (LARWQCB) will be in the tens of billions of dollars over the next twenty years. Additionally, failure to comply with the LARWQCB's terms could result in significant Clean Water Act fines, state fines and federal penalties anywhere from \$3,000- \$37,500 per day. Violations can also result in third-party litigation. Such costs are not confined to Los Angeles County and are being realized statewide.

Clearly, compliance with the NPDES permit and TMDL programs will be expensive for local governments over a long period of time and cities lack a stable, long-term, dedicated local funding source to address this need. Many cities are faced with the choice of either cutting existing services or finding new sources of revenue to fund the NPDES and TMDL programs.

Los Angeles County Division Resolution

The Division supports strong League education and advocacy at both the State and Federal levels to help cities face the challenges in providing programs to capture, infiltrate and reuse stormwater and urban runoff. While Los Angeles County cities and other regions seek to secure local funding sources to meet the Clean Water Act and the State's water objectives, it will simply not be enough to meet the enormous costs of compliance. The Los Angeles County Division strongly believes that State and Federal cooperation are necessary to fund programs to secure and reuse stormwater in order to improve water supply and reliability throughout the state.

The Division calls for the League to engage in discussions on 2014 State Water Bond to assist cities in funding and implementing the goals of the Clean Water Act and the State's Water objectives. This resolution does not support the 2014 bond issue, since the League and individual cities will need to make this decision at a later time upon review of the final language. However, the Governor and Legislature have reopened discussions for the 2014 water bond and funding of urban runoff and stormwater programs has taken a back seat in past bond issues, such as Proposition 84. In May, Assembly Speaker John Perez appointed a Water Bond Working Group which recently outlined a new set of Priorities and Accountability Measures for developing a water bond that would gain the support of 2/3 of the Legislature and voters. One of the priorities identified by the committee included, "Regional Self Reliance/Integrated Regional Water

Management,” posing the question if stormwater capture should be included in any future bonds. The Division believes the opportunity to advocate for funding in the bond is now.

//////////

League of California Cities Staff Analysis on Resolution No. 1

Staff: Jason Rhine; (916) 658-8264

Committee: Environmental Quality

Summary:

This resolution seeks to call upon the Governor and the Legislature to work with the League of California Cities in providing adequate funding and to prioritize water bonds to assist local governments in water conservation, ground water recharge and reuse of stormwater and urban runoff programs.

Background:

In 2009, the State Legislature passed and Governor Arnold Schwarzenegger signed a package of legislation that included four policy bills and an \$11.1 billion water bond (The Clean, and Reliable Drinking Water Supply Act). The water bond included the following major spending proposals:

- \$455 million for drought relief projects, disadvantaged communities, small community wastewater treatment improvements and safe drinking water revolving fund
- \$1.4 billion for "integrated regional water management projects"
- \$2.25 billion for projects that "support delta sustainability options"
- \$3 billion for water storage projects
- \$1.7 billion for ecosystem and watershed protection and restoration projects in 21 watersheds
- \$1 billion for groundwater protection and cleanup
- \$1.25 billion for "water recycling and advanced treatment technology projects"

The \$11.1 billion bond also included nearly \$2 billion in earmarks. Projects slated for funding included:

- \$40 million to educate the public about California's water
- \$100 million for a Lake Tahoe Environmental Improvement Program for watershed restoration, bike trails and public access and recreation projects
- \$75 million for the Sierra Nevada Conservancy, for public access, education and interpretive projects
- \$20 million for the Baldwin Hills Conservancy to be used to buy more land
- \$20 million for the Bolsa Chica Wetlands for interpretive projects for visitors

The water bond was originally scheduled to appear on the 2010 ballot as Proposition 18. However, due to significant criticism over the size of the bond, the amount of earmarked projects, and a lack of public support, the Legislature has voted twice to postpone the ballot vote. The water bond is now slated for the November 4, 2014 ballot.

It is unclear whether or not the water bond will actually appear on the November 2014 ballot. In recent months, pressure has been mounting to postpone the water bond yet again or significantly rewrite the water bond to drastically reduce the overall size of the bond and remove all earmarks. The Legislature has until the summer of 2014 to act.

Fiscal Impact:

Unknown. This resolution does not seek a specified appropriation from a water bond.

Existing League Policy:

In 2008, the League formed a new Water Task Force to consider updates and revision to the Water Guidelines the League drafted and adopted 20 years earlier. These new Guidelines were formally approved by the League board of directors in Feb. 2010. Below are the most pertinent policy and guiding principles related to the proposed resolution. To view the entire water policy guidelines, go to www.cacities.org/waterpolicyguidelines.

General Principles

- The League supports the development of additional groundwater and surface water storage, including proposed surface storage projects now under study if they are determined to be feasible, including but not limited to: environmentally, economically, and geographically relating to point of origin. Appropriate funding sources could include, but are not limited to user fees, bonds and federal funding.
- The League supports state water policy that allows undertaking aggressive water conservation and water use efficiency while preserving, and not diminishing, public and constitutional water rights.

Water Conservation

- The League supports the development of a statewide goal to reduce water use by 20% by 2020 through the implementation of fair and equitable measures consistent with these principles.
- Accomplishing water conservation and water use efficiency goals will require statewide action by all water users, including residential, commercial, industrial and agricultural water users, local and regional planning agencies, state and federal agencies, chambers of commerce, and business, commercial and industrial professional and trade associations.

Water Recycling

- Wherever feasible, water recycling should be practiced in urban, industrial and agricultural sectors. This includes increasing the use of recycled water over 2002 levels by at least one million acre-feet/year (afy) by 2020 and by at least two million afy by 2030.
- Increased recycling, reuse and other refinements in water management practices should be included in all water supply programs.

Water Storage

- The development of additional surface facilities and use of groundwater basins to store surface water that is surplus to that needed to maintain State Water Resource Control Board (SWRCB) Bay-Delta estuary water quality standards should be supported.

Groundwater

- The principle that local entities within groundwater basins (i.e., cities, counties, special districts, and the regional water quality control boards) working cooperatively should be responsible for and involved in developing and implementing basin wide groundwater, basin management plans should be supported. The plans should include, but not be limited to: a) protecting groundwater quality; b) identifying means to correct groundwater overdraft; c) implementing better irrigation techniques; d) increasing water reclamation and reuse; and e) refining water conservation and other management practices.
- Financial assistance from state and federal governments should be made available to requesting local agencies to develop and implement their groundwater management plans.

Financial Considerations

- It is recognized that the development and operation of water supply, water conveyance, flood control and stormwater management, water storage, and wastewater treatment facilities is frequently beyond the capability of local areas to finance;

- The League supports legislation to provide funding for stormwater, water and wastewater programs, including a constitutional amendment which would place stormwater fees in the category of water and wastewater fees, for the purposes of Proposition 218 compliance.

Support:

New this year, any resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. Those submitting resolutions were asked to provide written documentation of concurrence. The following letters of concurrence were received: cities of Alhambra; Cerritos; Claremont; Glendora; Lakewood; La Mirada; La Verne; Norwalk; Signal Hill; and Mary Ann Lutz, Mayor, city of Monrovia. A letter of support was also received from the California Contract Cities Association.

RESOLUTION REFERRED TO PUBLIC SAFETY POLICY COMMITTEE

- 2. RESOLUTION CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSIONS WITH THE LEAGUE AND CALIFORNIA POLICE CHIEFS' ASSOCIATION REPRESENTATIVES TO IDENTIFY AND ENACT STRATEGIES THAT WILL ENSURE THE SUCCESS OF PUBLIC SAFETY REALIGNMENT FROM A LOCAL MUNICIPAL LAW ENFORCEMENT PERSPECTIVE.**

Source: Public Safety Policy Committee

Concurrence of five or more cities/city officials: Cities of Arroyo Grande, Covina; Fontana; Glendora; Monrovia; Ontario; Pismo Beach; and Santa Barbara

Referred to: Public Safety Policy Committee

Recommendation to General Resolutions Committee: Approve

WHEREAS, in October 2011 the Governor proposed the realignment of public safety responsibilities from state prisons to local government as a way to address recent court orders in response to litigation related to state prison overcrowding, and to reduce state expenditures; and

WHEREAS, the Governor stated that realignment needed to be fully funded with a constitutionally protected source of funds if it were to succeed; and

WHEREAS, the Legislature enacted the realignment measures, AB 109 and AB 117, and the Governor signed them into law without full constitutionally protected funding and liability protection for stakeholders; and

WHEREAS, California currently has insufficient jail space, probation officers, housing and job placement programs, medical and mental health facilities, lacks a uniform definition of recidivism; and utilizes inappropriate convictions used to determine inmate eligibility for participation in the realignment program; and

WHEREAS, since the implementation of realignment there have been numerous issues identified that have not been properly addressed that significantly impact municipal police departments' efforts to successfully implement realignment; and

WHEREAS, ultimately many of these probationers who have severe mental illness are released into communities where they continue to commit crimes that impact the safety of community members and drain the resources of probation departments and police departments throughout the state; and

WHEREAS, an estimated 30 counties were operating under court-ordered or self-imposed population caps before realignment, and the current lack of bed space in county jails has since led to many convicted probationers being released early after serving a fraction of their time; with inadequate to no subsequent supervision, leaving them free to engage in further criminal offenses in our local cities; and

WHEREAS, there is increasing knowledge among the offender population which offenses will and will not result in a sentence to state prison, and many offenders, if held in custody pending trial, that would be sentenced to county jail are ultimately sentenced to time served due to overcrowding in county facilities; and

WHEREAS, there are inadequate databases allowing local police departments to share critical offender information among themselves, with county probation departments, and with other county and state law enforcement entities; and

WHEREAS, local police departments have not received adequate funding to properly address this new population of offenders who are victimizing California communities; and now therefore let it be

RESOLVED by the General Assembly of the League of California Cities, assembled in Sacramento on September 20, 2013, to request the Governor and State Legislature to immediately enter into discussions with League representatives and the California Police Chiefs' Association to address the following issues:

1. The need to fully fund municipal police departments with constitutionally protected funding to appropriately address realignment issues facing front-line law enforcement;
2. Amend appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates (N3) inmates to include their total criminal and mental history instead of only their last criminal conviction;
3. Establish a uniform definition of recidivism with the input of all criminal justice stakeholders throughout the state;
4. Enact legislation that will accommodate the option for city police officers to make ten (10) day flash incarcerations in city jails for probationers who violate the conditions of their probation;
5. Establish oversight procedures to encourage transparency and accountability over the use of realignment funding;
6. Implement the recommendations identified in the California Little Hoover Commission Report #216 dated May 30, 2013;
7. Provide for greater representation of city officials on the local Community Corrections Partnerships. Currently AB 117 provides for only one city official (a police chief) on the seven-member body, six of which are aligned with the county in which the partnership has been established. As a result, the counties dominate the committees and the subsequent distribution of realignment funds.
8. Provide, either administratively or by legislation, an effective statewide data sharing mechanism allowing state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.

//////////

Background Information on Resolution No. 2

Source: Public Safety Policy Committee

Background:

In October 2011 the Governor proposed the realignment of public safety tasks from State Prisons to local government as a way to address certain judicial orders dealing with State prison overcrowding and to reduce State expenditures. This program shifts the prisoner burden from State prisons to local counties and cities.

When the Governor signed into law realignment he stated that realignment needed to be fully funded with constitutionally protected source of funds to succeed. Nonetheless, the law was implemented without full constitutional protected funding for counties and cities; insufficient liability protections to local agencies; jail space; probation officers; housing and job placement programs; medical and mental health facilities; and with an inappropriate definition of N3 (non-serious, non-sexual, non-violent) criminal convictions used to screen inmates for participation in the program.

Two-thirds of California's 58 counties are already under some form of mandated early release. Currently, 20 counties have to comply with maximum population capacity limits enforced by court order, while another 12 counties have self-imposed population caps to avoid lawsuits.

At this time no one knows what the full impact of realignment will ultimately be on crime. We hope that crime will continue to drop, but with the current experience of the 40,000 offenders realigned since October 2011, and an estimated additional 12,000 offenders being shifted from State prison to local jails and community supervision by the end of fiscal year 2013-14, it will be very difficult to realize lower crime rates in the future.

Beginning in October 2011, California State prisons began moving N3 offenders into county jails, the county probation and court systems, and ultimately funneled them into community supervision or alternative sentencing program in cities where they will live, work, and commit crime.

Note: There is currently no uniform definition of recidivism throughout the state and no database that can deliver statistical information on the overall impact realignment has had on all cities in California. Because of this problem we have used data from Los Angeles County.

The March 4, 2013 report to the Los Angeles County Criminal Justice Coordination Committee (CCJCC) shows a strong effort and progress in addressing the realignment mandate. However, there is insufficient funding.

The report also states the jail population continues to be heavily influenced by participants housed locally. On September 30, 2012, the inmate count in the Los Angeles County Jail was 15,463; on January 31, 2013, the count was 18,864. The realignment population accounted for 32% of the Jail population; 5,743 offenders sentenced per Penal Code Section 1170 (h) and 408 parole violations.

By the end of January 2013, 13,535 offenders were released on Post Release Community Supervision (PRCS) to Los Angeles County including prisoners with the highest maintenance costs because of medical and drug problems and mental health issues costing counties and local cities millions of dollars in unfunded mandates since the beginning of the program. Prisoners with prior histories of violent crimes are also being released without proper supervision. That is why sections of **AB 109 must be amended to change the criteria used to justify the release of N3 inmates to include an offender's total criminal and mental history instead of only their last criminal conviction.** Using the latter as the key criteria does not provide

an accurate risk assessment of the threat these offenders pose to society if they are realigned to county facilities, or placed on Post Release Community Supervision.

Chief Jerry Powers from the Los Angeles County Probation Department recently stated the release criteria for N3 offenders “has nothing to do with reality.” He said initially the State estimated the population of released PRCS offenders would be 50% High Risk, 25% Medium Risk and 25% Low Risk. The reality is 3% are Very High Risk, 55% are High Risk, 40% are Medium Risk and only 2% are Low Risk offenders. He said the High Risk and serious mentally ill offenders being released “are a very scary population.” One of the special needs offenders takes the resources of 20-30 other offenders.

Assistant Sheriff Terri McDonald who is the county Jail Administrator recently stated the Jail has only 30 beds for mentally ill offenders being released – when in fact she actually needs 300 beds to accommodate the volume of serious mentally ill offenders being released that require beds.

Los Angeles County data shows 7,200 released offenders have had some sort of revocation. This number is expected to increase because of a significant increase in the first four months of year two of realignment that totals 83% of the entire first year of the program; 4,300 warrants were issued for offenders; 6,200 offenders have been rearrested; and 1,400 prosecuted. Data reveals one in 10 offenders will test positive for drugs during the first 72 hours after being released knowing they are required to report to a probation officer during that time. Only one in three offenders will successfully complete probation.

There are more than 500 felony crimes that qualify State prison inmates for release under realignment. They will be spending their time in cities with little, if any, supervision.

////////

League of California Cities Staff Analysis on Resolution No. 2

Staff: Tim Cromartie (916) 658-8252
Committee: Public Safety Policy Committee

Summary:

This Resolution seeks to outline the deficiencies in the State’s current public safety realignment policy, as implemented in 2011 by AB 109, and to identify policy changes that will assist State, county and municipal law enforcement entities to cope with the expanded universe of offenders that are now being directed to county facilities, resulting in increased related impacts on both local communities and municipal law enforcement.

Background:

This resolution was brought to the Public Safety Policy Committee by individual members of that committee who are increasingly concerned about municipal public safety impacts resulting from county jail overcrowding, a problem that has intensified with realignment, resulting in certain categories of offenders doing no jail time or being sentenced to time served. This has created a climate in which some offenses receive little or no jail time, accompanied by a growing body of anecdotal evidence that property crimes have correspondingly increased, with some, such as auto theft, being committed in serial fashion. Increased criminal activity has strained the resources of many local police departments already struggling to more closely coordinate information sharing with county probation offices to effectively monitor offenders on post-community release supervision.

In addition, there is growing concern about the criteria established for determining which offenders are eligible for post-release community supervision (the non-violent, non-serious, non-sex offenders). There is so much concern that a May 2013 report of California’s Little Hoover Commission recommended adjusting

the criteria to examine an offender's total criminal history rather than merely his or her last known offense, as a means of more accurately assessing the risk he or she might pose to the community.

Implementation of the realignment policy is handled in part by the Community Corrections Partnerships established by AB 109, which currently have only one city representative, compared to at least four county-level representatives.

Fiscal Impact:

Unknown impact on the State General Fund. This resolution seeks to establish increased and constitutionally protected funding for city police departments (and county sheriff's departments, to the degree they are contracted to provide police services for cities), but does not specify a dollar amount for the revenue stream. At a minimum, it would entail an annual revenue stream of at least the amount provided for cities for front-line law enforcement in the State's 2013-14 Budget, \$27.5 million, indefinitely – although that revenue stream has never been formally identified by the Brown Administration as having any direct connection to realignment.

Existing League Policy:

Related to this resolution, existing policy provides:

- The League supports policies establishing restrictions on the early release of state inmates for the purpose of alleviating overcrowding, and limiting parole hearing opportunities for state inmates serving a life sentence, or paroled inmates with a violation.
- The League supports increasing municipal representation on and participation in the Community Corrections Partnerships, which are charged with developing local corrections plans.
- In addition, the Strategic Priorities for 2012, as adopted by the League Board of Directors, included the promotion of local control for strong cities. The resolution's objectives of locking in ongoing funding for front-line municipal law enforcement, and increasing city participation in the Community Corrections Partnerships, are consistent with promoting local control.

Support:

New this year, any resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. Those submitting resolutions were asked to provide written documentation of concurrence. The following cities/city officials have concurred: cities of Arroyo Grande; Covina; Fontana; Glendora; Monrovia; Ontario; Pismo Beach; and Santa Barbara.

LETTERS OF CONCURRENCE
Resolution #1
Water Bond Funds

City of Alhambra
Office of the Mayor and City Council

July 1, 2013



Gateway
to the
San Gabriel Valley

111
South First Street
Alhambra
California
91801

626
570-5010

FAX
281-2248

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

Dear President Bogaard:

The City of Alhambra supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

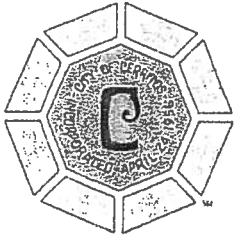
The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The City of Alhambra is anticipating spending \$24,101.96 this year to start the development of the Enhanced Watershed Plan and monitoring plan. Prior to 2016, the City anticipates spending \$1,169,000 for full capture device on our storm drain catch basins. In the future, it is estimated the city may need \$34 million dollars to finance the required infrastructure to meet the new permit guidelines. We also anticipate needing to hire additional staff to monitor and maintain the program. None of these costs have a dedicated funding source.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Mary Chavez, Director of Public Works, at (626) 570-5067 if you have any questions.

Very truly yours,

Steven Placido, DDS
Mayor

cc: Jennifer Quan, League of California Cities



CITY OF CERRITOS

CIVIC CENTER • 18125 BLOOMFIELD AVENUE
P.O. BOX 3130 • CERRITOS, CALIFORNIA 90703-3130
PHONE: (562) 916-1310 • FAX: (562) 468-1095
CELL PHONE: (562) 547-1732
E-mail: bbarr90703@aol.com
WWW.CERRITOS.US



OFFICE OF THE MAYOR
BRUCE W. BARROWS

July 8, 2013

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

President Bogaard: *Bill*

The City of Cerritos supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The City of Cerritos expended \$866,000 in the Fiscal Year 2011-2012 for compliance with required stormwater programs. Future expenditures are expected to be over \$1.5 million annually, as the City will be required to begin construction of costly stormwater capital improvements.

As members of the League our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Art Gallucci, City Manager at (562)916-1301 or agallucci@cerritos.us, if you have any questions.

Sincerely,

Bruce W. Barrows
MAYOR

cc: Ling-Ling Chang, President, Los Angeles County Division c/o
Robb Korinke, Executive Director, Los Angeles County Division, robb@laciities.org



CITY OF CLAREMONT

City Hall
207 Harvard Avenue
P.O. Box 880
Claremont, CA 91711-0880
Fax: (909) 399-5492
Website: www.ci.claremont.ca.us
Email: contact@ci.claremont.ca.us

City Council • (909) 399-5444
Corey Calaycay
Joseph M. Lyons
Opanyi K. Nasiali
Sam Pedroza
Larry Schroeder

July 1, 2013

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

President Bogaard:

RE: Los Angeles County Division Proposed Resolution for LCC Approval At The 2013 Annual Conference

The City of Claremont supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond.

As members of the League, our City values the policy development process provided to the General Assembly and appreciates your time on this issue. If you have any questions, please feel free to contact Tony Ramos, City Manager, at (909) 399-5441.

Sincerely,

Opanyi Nasiali
Mayor

c: Jennifer Quan, League of California Cities



CITY OF GLENDORA CITY HALL

(626) 914-8200

116 East Foothill Blvd., Glendora, California 91741
www.ci.glendora.ca.us

July 15, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

President Bogaard:

The City of Glendora supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond.

As members of the League our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact me, if you have any questions.

Sincerely,

Joe Santoro, Mayor

cc: Ling-Ling Chang, President, Los Angeles County Division c/o Robb Korinke,
Executive Director, Los Angeles County Division, robb@lacity.org
Jennifer Quan, Regional Public Affairs Manager, League of California Cities -
jqun@lacity.org

PRIDE OF THE FOOTHILLS

Todd Rogers
Vice Mayor

Jeff Wood
Council Member

Diane DuBois
Council Member

Ron Piazza
Council Member

July 2, 2013

CITY OF LAKEWOOD

CALIFORNIA

Steve Croft
Mayor

Mr. Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Los Angeles County Division Annual Conference Resolution - Support

Dear President Bogaard:

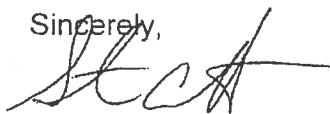
The City of Lakewood supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond

For Lakewood, the initial cost alone to prepare the Watershed Management Plan (WMP), Coordinated Integrated Management Plan (CIMP), and Reasonable Assurance Modeling for the three watersheds that Lakewood is a part of is estimated to be \$153,167. This cost does not include administration costs, monitoring costs, construction costs, or inspection costs, which are estimated to be in the millions of dollars.

As members of the League our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Paolo Beltran, Senior Management Analyst, at (562) 866-9771, extension 2140, or email at pbeltran@lakewoodcity.org, if you have any questions.

Sincerely,



Steve Croft
Mayor

cc: Ling-Ling Chang, President, Los Angeles County Division c/o
Robb Korinke, Executive Director, Los Angeles County Division,
robb@iacities.org

Lakewood



CITY OF LA MIRADA
DEDICATED TO SERVICE

13700 La Mirada Boulevard
La Mirada, California 90638
P.O. Box 828
La Mirada, California 90637-0828
Phone: (562) 943-0131 Fax: (562) 943-1464
www.cityoflamirada.org

July 15, 2013

LETTER OF SUPPORT

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

SUBJECT: LOS ANGELES COUNTY DIVISION ANNUAL CONFERENCE RESOLUTION

Dear President Bogaard:

On behalf of the City of La Mirada, I am writing to express support for the League of California Cities, Los Angeles County Division's effort to submit a resolution for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for local governments working to meet Federal and State objectives to protect water resources and storm water management plans. The resolution also provides direction for the League to educate State leaders and advocates for the inclusion of storm water funding in the State's proposed 2014 Water Bond.

Like many cities, the City of La Mirada does not have the basic infrastructure to capture, filter, and reuse storm water, and Federal and State funding to assist in providing this infrastructure has been reduced in recent years as a result of the economic recession. Compliance with the MS-4 permit and other storm water regulations could cost the City millions, and reduce funding for other vital City services such as infrastructure and public safety. The City could also face steep fines, penalties, and third party lawsuits if it is unable to meet the National Pollutant Discharge Elimination Systems (NPDES) permit requirements. Receiving State funding could help alleviate the financial burden placed on local governments to meet storm water requirements.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Jeff Boynton, Deputy City Manager, at (562) 943-0131 if you have any questions.

Sincerely,

CITY OF LA MIRADA

Steve De Ruse
Mayor

TER:jb:vdr

cc: Ling-Ling Chang, President, Los Angeles County Division
Robb Korinke, Executive Director, Los Angeles County Division



CITY OF LA VERNE CITY HALL

3660 "D" Street, La Verne, California 91750-3599
www.ci.la-verne.ca.us

July 2, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

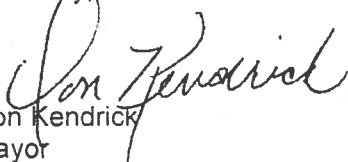
President Bogaard:

The City of La Verne supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. While the City is still in the process of identifying the costs associated with meeting the new requirements of the MS-4 PERMIT, it is expected these measures will far exceed existing local resources.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact our City Manager, Bob Russi at 909-596-8726, if you have any questions.

Sincerely,


Don Kendrick
Mayor

cc: Jennifer Quan, League of California Cities
JR Ranells, Senior Management Analyst

U:\My Documents\CITY COUNCIL\KENDRICK\Support 2013 League Conf Reso.doc

LUIGI VERNOLA
Mayor
MARCEL RODARTE
Vice Mayor
CHERI KELLEY
Councilmember
MICHAEL MENDEZ
Councilmember
LEONARD SHRYOCK
Councilmember
MICHAEL J. EGAN
City Manager



12700 NORWALK BLVD., P.O. BOX 1030, NORWALK, CA 90651-1030 * PHONE: 562/929-5700 * FACSIMILE: 562/929-5773 * WWW.NORWALKCA.GOV

July 2, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

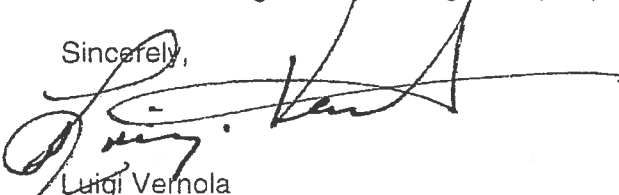
Dear President Bogaard:

The city of Norwalk supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The cost of compliance with the new storm water permit is in the millions of dollars. The Watershed Management Plan alone will cost close to \$1M. Implementation of projects in the near future based on that Watershed Management Plan could potentially cost the City of Norwalk \$5 - \$10 million annually.

As members of the League our City values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Mike Egan, City Manager, at (562) 929-5772 if you have any questions.

Sincerely,



Luigi Vernola
Mayor

cc: Ling-Ling Chang, President, Los Angeles County Division c/o
Robb Korinke, Executive Director, Los Angeles County Division, robb@lacies.org



CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, California 90755-3799

June 27, 2013

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

President Bogaard:

The city of Signal Hill supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The city of Signal Hill currently budgets for \$755,000 annually for compliance with required stormwater programs, which represents over 4% of the entire General Fund. Future expenditures are expected to be over \$1.5 million annually, as the City will be required to begin construction of costly stormwater capital improvements.

As members of the League our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Ken Farfsing, City Manager at (562) 989-7302 or kfarfsing@cityofsignal.org, if you have any questions.

Sincerely,

Michael J. Noll
Mayor

CC: Ling-Ling Chang, President, Los Angeles County Division c/o
Robb Korinke, Executive Director, Los Angeles County Division, robb@lacities.org



Office of the Mayor and the City Council

July 2, 2013

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

SUBJECT: Los Angeles County Division Annual Conference Resolution

Dear President Bogaard:

As Mayor of the City of Monrovia, I support the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The City is anticipating millions of dollars in stormwater permit compliance costs over the next five years – funds the City currently does not have available. Funding assistance is vital in order for the City to meet stormwater permit requirements.

As members of the League, our City values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Heather Maloney, Senior Management Analyst, at (626) 932-5577 or hmaloney@ci.monrovia.ca.us, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Lutz".

Mary Ann Lutz,
Mayor

cc: City Council
Ling-Ling Chang, President, Los Angeles County Division c/o
Robb Korinke, Executive Director, Los Angeles County Division, robb@laciities.org
Laurie K. Lile, City Manager
Ron Bow, Director of Public Works



EXECUTIVE BOARD

PRESIDENT
STEVE TYE
Diamond Bar

VIC. PRESIDENT
VICTOR MANALO
Artesia

SECRETARY/TREASURER
GUSTAVO CAMCHO
Pico Rivera

PAST PRESIDENT
DIANE J. MARTINEZ
Paramount

DIRECTOR AT LARGE
JEFF WOOD
Lakewood

DIRECTOR AT LARGE
SANDRA ARMENTA
Rosemead

BUDGET & AUDIT COMMITTEE
MICHAEL DAVITT
La Cañada Flintridge

BY LAWS COMMITTEE
LOU LA MONTE
Malibu

CITY MGRS./ADM. COMMITTEE
JIM DESTEFANO
Diamond Bar

LEGAL/CITY-COUNTY
CONTRACTS COMMITTEE
NANCY TRAGARZ
Walnut

LEGISLATIVE COMMITTEE
SAM PEDROZA
Claremont

MEMBERSHIP COMMITTEE
ANDREW SAREGA
La Mirada

RESOLUTIONS COMMITTEE
BARU SANCHEZ
Cudahy

SELECTIONS COMMITTEE
LIZ REILLY
Duarte

SPECIAL EVENTS COMMITTEE
JAMES R. BOZAJIAN
Calabasas

ASSOCIATE MEMBERS COMMITTEE
FRANK V. ZERUNYAN
Rolling Hills Estates

EXECUTIVE DIRECTOR
SAM OLIVITO

June 20, 2013

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

President Bogaard:

The California Contract Cities Association supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. All of the 58 cities we represent can ill afford this increasingly expensive ongoing cost.

As members of the League our association values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact our office at (562) 622-5533 if you have any questions.

Sincerely,

Steve Tye
CCCA President

CC: Ling-Ling Chang, President, Los Angeles County Division c/o
Robb Korinke, Executive Director, Los Angeles County Division, robb@lccities.org

LETTERS OF CONCURRENCE
Resolution #2
Public Safety Realignment

OFFICE OF THE
MAYOR



300 East Branch Street
Arroyo Grande, CA 93420
Phone: (805) 473-5400
FAX: (805) 473-0386
agcity@arroyogrande.org
www.arroyogrande.org

July 17, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Arroyo Grande, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact our City Manager, Steve Adams, at (805)473-5404, if you have any questions.

Sincerely,

Tony Ferrara

Mayor, City of Arroyo Grande



CITY OF COVINA

125 East College Street • Covina, California 91723-2199

www.covinaca.gov

July 17, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Covina, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Daryl Parrish, City Manager, at (626) 384-5410, if you have any questions.

Sincerely,

Walter Allen III
Mayor, City of Covina



Mayor Acquanetta Warren



July 17, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Fontana, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Ken Hunt City Manager, at (909)350-7654, if you have any questions.

Sincerely,

Mayor, City of Fontana

AW/ac



CITY OF GLENDORA CITY HALL

(626) 914-8201

116 East Foothill Blvd., Glendora, California 91741

FAX (626) 914-8221

www.ci.glendora.ca.us

OFFICE OF THE MAYOR

July 19, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Glendora, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Chris Jeffers, City Manager, at cjeffers@ci.glendora.ca.us or (626) 914-8201, if you have any questions.

Sincerely,

City of Glendora

Joe Santoro
Mayor

PRIDE OF THE FOOTHILLS



Office of the Mayor and the City Council

July 19, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: PUBLIC SAFETY REALIGNMENT RESOLUTION

Dear President Bogaard:

As Mayor of the City of Monrovia, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Laurie Lile, City Manager, at (626) 932-5501, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Ann Kutz".

Mary Ann Kutz
Mayor

cc: City Council
James Hunt, Police Chief

CITY OF



ONTARIO

303 EAST "B" STREET, CIVIC CENTER

ONTARIO

CALIFORNIA 91764-4105

(909) 395-2000

FAX (909) 395-2070

PAUL S. LEON
MAYOR

CHRIS HUGHES
CITY MANAGER

JIM W. BOWMAN
MAYOR PRO TEM

July 18, 2013

MARY E. WIRTES, MMC
CITY CLERK

ALAN D. WAPNER *
DEBRA DORST-PORADA
PAUL VINCENT AVILA
COUNCIL MEMBERS

JAMES R. MILHISER
TREASURER

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Public Safety Realignment Resolution


Dear President Bogaard:

On behalf of the City of Ontario, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision; i.e., a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Chris Hughes, City Manager, at (909) 395-2010, if you have any questions.

Sincerely,


PAUL S. LEON
Mayor



From the Office of the Mayor
Shelly Higginbotham
760 Mattie Road
Pismo Beach, CA 93449
(805) 235-6604
shigginbotham@pismo beach.org

July 18, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

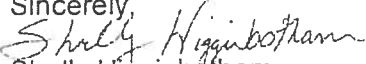
RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Pismo Beach, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact James R. Lewis, City Manager, at (805) 773-7007, if you have any questions.

Sincerely,

Shelly Higginbotham
Mayor



City of Santa Barbara

Office of Mayor

HSchneider@SantaBarbaraCA.gov

www.SantaBarbaraCA.gov

July 19, 2013

Helene Schneider
Mayor

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

City Hall
735 Anacapa Street
Santa Barbara, CA
93101-1990

RE: Public Safety Realignment Resolution

Dear President Bogaard:

Mailing Address:
P.O. Box 1990
Santa Barbara, CA
93102-1990

Tel: 805.564.5323
Fax: 805.564.5475

On behalf of the City of Santa Barbara, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

It is important to our City, that such state-mandated programs remain fully-funded and that the regulations do not impede our law enforcement officers' ability to use their professional discretion in protecting our community.

As a member of the League, our City values the League's leadership and policy direction on this issue.

Sincerely,

Helene Schneider,
Mayor

cc: Dave Mullinax, League of California Cities



Please consider the environment before printing this letter.



City of Eastvale
City Council Meeting Agenda
Staff Report

MEETING DATE: SEPTEMBER 11, 2013

TO: MAYOR AND COUNCIL MEMBERS

FROM: JOHN CAVANAUGH

SUBJECT: SETTLEMENT AGREEMENT WITH THE COUNTY OF RIVERSIDE IN THE AMOUNT OF \$12,453 FOR PROPERTY TAX ADMINISTRATION FEES

RECOMMENDATION: APPROVE THE SETTLEMENT AGREEMENT WITH THE COUNTY OF RIVERSIDE IN THE AMOUNT OF \$12,453 FOR A REFUND OF PROPERTY TAX ADMINISTRATION FEES

BACKGROUND:

As a result of the Supreme Court's decision in *Alhambra v. County of Los Angeles* which ruled that the County collected more Property Tax Administrative Fees than it should have, the County of Riverside was also part of the allocation formula which collected more administrative fees than required.

DISCUSSION:

Consequently, the City of Eastvale filed a claim with the County demanding recovery of those excess fees in the amount of \$12,453.00. The County wishes settle the matter with the City by offering to pay the full amount of \$12,453.00 in three equal installments as follows:

1. \$4,151.00 within 30 days of receiving the fully executed settlement agreement;
2. The second and third installments of \$4,151.00 when the April property taxes are distributed to the City, but no later than June 30, 2014 and June 30, 2015, respectively.

The Settlement Agreement is attached as Attachment 1.

FISCAL IMPACT:

The City will be reimbursed for property tax administration fees in the amount of \$12,453 over the next three years.

Attachments: 1) Settlement Agreement with the County of Riverside

SETTLEMENT AND RELEASE AGREEMENT

THIS SETTLEMENT AND RELEASE AGREEMENT (“Agreement”) is entered into as of August ___, 2013 (the “Effective Date”), by and among the County of Riverside, a political subdivision of the State of California (referred to herein as “County”), and City of Eastvale (referred to herein as “City”). County and City are sometimes referred to individually as “Party” and collectively as “Parties.”

RECITALS

A. On June 3, 2013, City presented a governmental claim (“Claim”), requesting compensation for Property Tax Administrative Fees (PTAF) withheld by County, a copy of which is attached hereto as “Exhibit A.”

B. In December 2012, the Riverside County Auditor-Controller made allocations consistent with the California Supreme Court’s decision in the *City of Alhambra v. County of Los Angeles* case.

C. County disputes the amount that City claims that it is owed by the County with respect to the PTAF allocations.

D. County and City now desire to fully and finally settle and resolve any and all rights, claims, counterclaims, disputes, causes of action, demands for just compensation, and alleged claims which currently exist, or may exist in the future, with respect to the PTAF allocations.

E. In consideration of the settlement of this matter and a mutual release of all claims, County and City have agreed upon terms and conditions for settlement as more fully set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the above Recitals, which are incorporated into this Agreement, and of the mutual promises set forth herein, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, County and City hereby agree as follows:

1. **Payment.** The County shall cause the sum of \$12,453.00 to be paid to City in three (3) equal annual installments, for PTAF allocations from Fiscal Year 2011-2012. The first installment shall be paid within thirty (30) days of receipt of the fully executed Agreement. The second installment shall be paid no later than June 30, 2014. The third installment shall be paid no later than June 30, 2015.

2. **No Admission of Liability.** The Parties understand, acknowledge and agree that this Agreement represents a compromise of disputed claims, facts and allegations and shall not be treated by any Party thereto, as an admission of liability or fault of any other Party hereto for any purpose whatsoever or as an admission as to claims for any purpose whatsoever or as an admission as to claims of interest in any manner whatsoever.

3. **Each Party to Bear Own Attorneys' Fees and Costs.** The Parties expressly understand, acknowledge and agree to bear their own costs and expenses to date, including attorneys' fees, incurred in prosecuting and/or defending this matter, in resolving their disputes herein and in preparing and negotiating this Agreement.

4. **Parties Jointly Drafted the Agreement.** The Parties understand, acknowledge and agree that each of the Parties hereto has contributed to the drafting of this Agreement, and no provision hereof shall be construed against any Party causing this Agreement to be drafted.

5. **Mutual Release.** The Parties hereby release, and fully and finally and forever discharge each other, and each of their respective predecessors, successors, heirs, executors, administrators, assigns, agents, directors, officers, partners, employees, contractors, representatives, lawyers, and all persons acting by, through, under, or in concert with them or any of them of and from any and all manner of actions or causes of action, suits, debts, liens, liabilities, claims, demands, and damages of any nature whatsoever, known or unknown, fixed or contingent, existing or as the law may change, including, without limitation, to claims which any Party now has against the other Party as alleged in or arising out of, or which could have been raised in, based upon, or related to the Claim, whether provided by law at the time of the execution of this Agreement or which may in the future be provided by law and retroactively applied to this matter.

6. **Waiver of Civil Code Section 1542.** The Parties hereby acknowledge that they have been advised by their attorneys concerning, and are familiar with, the provisions of California Civil Code section 1542, which provides as follows:

“A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.”

It is the intention of the Parties that the releases entered into as part of this Agreement shall be effective as a bar to all actions, causes of action, obligations, costs, expenses, attorney's fees, damages, losses, claims, liabilities, and demands of any character, nature and kind, known or unknown, suspected or unsuspected, to be so barred; in furtherance of which intention the Parties expressly waive any and all right and benefit conferred upon them by the provisions of Section 1542 of the California Civil Code, except this waiver shall not act to waive any representations, warranties, indemnities, actions, causes of action, obligations, costs, expenses,

attorney's fees, damages, losses, claims, liabilities, and demands of any character as a result of a breach of this Agreement. The Parties hereby acknowledge that the foregoing waiver of the provisions of Section 1542 of the California Civil Code was bargained for separately. The Parties expressly agree that the release provisions herein contained shall be given full force and effect in accordance with each and all of their express terms and provisions, including but not limited to those terms and provisions relating to unknown or unsuspected claims, demands, and causes of action herein above specified. The Parties assume the risk of the foregoing and of the subsequent discovery or understanding of any matter, fact, or law which if now known or understood would in any respect have affected this Agreement.

Each Party acknowledges that it may have sustained damage, loss, costs or expenses which are presently unknown and unsuspected, and such damages, loss, costs or expenses which may have been sustained may give rise to additional damages, loss, costs or expenses in the future. Each Party also acknowledges that changes in law may occur in the future which may apply retroactively and may allow such Party to be entitled to further claims for damages, loss, costs or expenses which are presently unknown and unsuspected. Nevertheless, each Party hereby acknowledge that this Agreement has been negotiated and agreed upon in light of that situation, and hereby expressly waive any and all rights which it may have under California Civil Code Section 1542, or under any statute or common law or equitable principle of similar effect.

7. **Attorneys' Fees.** In any action to enforce the terms of this Agreement, the Prevailing Party shall be entitled to recover from the nonprevailing Party all reasonable attorneys' fees, expert fees, and court costs.

8. **Entire Agreement.** This Agreement and the documents referenced herein contain the entire agreement between the Parties. This Agreement shall not be modified in any manner except by an instrument in writing executed by the Parties.

9. **Severability.** If any term or provision of this Agreement shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement shall not be affected.

10. **Waivers.** A waiver of a breach or covenant or other provision in this Agreement shall not be deemed a waiver of any other breach or covenant or provision in this Agreement; and no waiver shall be valid unless in writing and executed by the waiving party. An extension of time for performance of any obligation or act shall not be deemed an extension of the time for performance of any other obligation or act.

11. **Construction.** The section headings and captions of this Agreement are, and the arrangement of this instrument is, for the sole convenience of the Parties. The section headings, captions, and arrangement of this instrument do not in any way affect, limit, amplify, or modify the terms and provisions of this Agreement. The singular form shall include plural, and vice versa. This Agreement shall not be construed as if it had been prepared by one of the Parties, but rather as if all Parties have prepared it. Unless otherwise indicated, all references to sections are to this Agreement. All exhibits referred to in this Agreement are attached to it and incorporated in it by this reference.

12. **Counterparts.** This Agreement may be executed in one or more counterparts. Each counterpart shall be deemed an original and all, taken together, shall constitute one and the same instrument.

13. **No Obligations to Third Parties.** This Agreement is not intended to create any third-party beneficiaries, and the execution and delivery of this Agreement shall not be deemed

to confer any rights upon, nor obligate any of the Parties, to any person or entity other than the Parties. Additionally, no third party may enforce the terms of this Agreement.

14. **Successors.** This Agreement shall inure to the benefit of and shall be binding upon the Parties and their respective heirs, successors, and assigns.

15. **Governing Law and Venue.** This Agreement and any dispute arising hereunder shall be governed by California law. Each Party consents to the exclusive jurisdiction of the state and federal courts sitting in the County of Riverside, State of California, in any action on a claim arising out of, under, or in connection with this Agreement or the transactions contemplated by this Agreement. EACH PARTY HEREBY ACKNOWLEDGES THAT THE FOREGOING VENUE PROVISIONS HAVE BEEN CHOSEN AS THE APPROPRIATE AND CONVENIENT FORUM FOR ANY SUCH ACTION AND WAIVES ANY RIGHT TO OBJECT TO JURISDICTION ON THE BASIS OF LACK OF PERSONAL JURISDICTION OR FORUM NON CONVENIENS.

[REMAINDER OF PAGE INTENTIONALLY BLANK; SIGNATURES FOLLOW]

IN WITNESS WHEREOF, the County and City have executed this Agreement to be effective on and as of the Effective Date set forth in the preamble of this Agreement.

COUNTY OF RIVERSIDE

Date: _____

By: _____
County of Riverside

CITY OF EASTVALE

Date: _____

By: _____
City

APPROVED AS TO FORM:

OFFICE OF COUNTY COUNSEL

Date: _____

By: _____
L. ALEXANDRA FONG
Deputy County Counsel
Attorneys for County of Riverside

APPROVED AS TO FORM:

Date: _____

By: _____
Attorneys for City

EXHIBIT A

CLAIM

[TO BE ATTACHED]

Exhibit A

COUNTY OF RIVERSIDE

CLAIM FOR DAMAGES TO PERSON OR PROPERTY



INSTRUCTIONS:

1. Read claim *thoroughly*.
2. Fill out claim as indicated; attach additional information if necessary.
3. This office needs the *original* completed claim form and clear readable copies of attachments (if any) if originals are not available.
4. This claim form *must* be signed.

OFFICE USE ONLY
RECEIVED
 CLAIM# 273-13 SUM# _____
 JUN 3 2013
 CLERK OF THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
 BY: *[Signature]*
 TIME STAMP HERE

DELIVER OR U.S. MAIL TO: CLERK OF THE BOARD OF SUPERVISORS
 ATTN: CLAIMS DIVISION
 P.O. BOX 1147, 4080 LEMON ST., 1ST FL.
 RIVERSIDE, CA. 92502-1147 (951) 955-1060

1. FULL NAME OF CLAIMANT CITY OF EASTVALE		8. WHY DO YOU CLAIM THE COUNTY IS RESPONSIBLE? SEE ATTACHED LETTERS	
2. MAILING ADDRESS (STREET / PO BOX) 12363 LIMONITE AVE., SUITE 910			
CITY EASTVALE	STATE CA	ZIP CODE 91752	
HOME TELEPHONE ()		BUSINESS TELEPHONE (951) 361-0900	
3. WHEN DID DAMAGE OR INJURY OCCUR (PLEASE BE EXACT)		9. NAMES OF ANY COUNTY EMPLOYEES (AND THEIR DEPARTMENTS) INVOLVED IN INJURY OR DAMAGE (IF APPLICABLE). NAME: _____ DEPARTMENT: COUNTY AUDITOR-CONTROLLER	
4. WHERE DID DAMAGE OR INJURY OCCUR?		10. WITNESSES TO DAMAGE OR INJURY: LIST ALL PERSONS AND ADDRESSES OF PERSONS KNOWN TO HAVE INFORMATION:	
STREET	CITY	STATE	ZIP CODE
5. DESCRIBE IN DETAIL HOW DAMAGE OR INJURY OCCURRED: PROPERTY TAX ADMINISTRATIVE FEE OVERCHARGES FOR FISCAL YEAR 2011 - 2012		ADDRESS	
		NAME	PHONE
		ADDRESS	
		NAME	PHONE
		ADDRESS	
6. WERE POLICE OR PARAMEDICS CALLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		11. LIST DAMAGES INCURRED TO DATE (attach copies of receipts or repair estimates) SEE ATTACHED LETTERS	
7. IF PHYSICIAN/HOSPITAL WAS VISITED DUE TO INJURY, INCLUDE DATE OF FIRST VISIT AND HOSPITAL'S NAME, ADDRESS AND PHONE NUMBER:			
DATE OF FIRST VISIT	PHYSICIAN'S/HOSPITAL'S NAME		
PHYSICIAN'S/HOSPITAL'S ADDRESS	PHONE:		
		TOTAL DAMAGES TO DATE	TOTAL ESTIMATED PROSPECTIVE DAMAGES
		\$ 12,453	\$ _____

THIS CLAIM MUST BE SIGNED TO BE VALID. NOTE: PRESENTATION OF A FALSE CLAIM IS A FELONY (PENAL CODE SECTION 72.)

WARNING:

- CLAIMS FOR DEATH, INJURY TO PERSON OR TO PERSONAL PROPERTY MUST BE FILED NOT LATER THAN SIX (6) MONTHS AFTER THE OCCURRENCE. (GOVERNMENT CODE SECTION 911.2)
- ALL OTHER CLAIMS FOR DAMAGES MUST BE FILED NOT LATER THAN ONE (1) YEAR AFTER THE OCCURRENCE. (GOVERNMENT CODE SECTION 911.2)
- SUBJECT TO CERTAIN EXCEPTIONS. YOU HAVE ONLY SIX (6) MONTHS FROM THE DATE OF THE WRITTEN NOTICE OF REJECTION OF YOUR CLAIM TO FILE A COURT ACTION. (GOVERNMENT CODE SECTION 945.6)
- IF WRITTEN NOTICE OF REJECTION OF YOUR CLAIM IS NOT GIVEN, YOU HAVE TWO (2) YEARS FROM ACCRUAL OF THE CAUSE OF ACTION TO FILE A COURT ACTION. (GOVERNMENT CODE SECTION 945.6)

12. CLAIMANT OR PERSON FILING ON HIS/HER BEHALF <i>[Signature]</i>	13. PRINT OR TYPE NAME CAROL JACOBS	DATE 5-2-2013
SIGNATURE	RELATIONSHIP TO CLAIMANT	

7/2

PAMELA J. WALLS
County Counsel

ANITA C. WILLIS
Assistant County Counsel

OFFICE OF COUNTY COUNSEL
COUNTY OF RIVERSIDE

3960 ORANGE STREET, SUITE 500
RIVERSIDE, CA 92501-3674
TELEPHONE: 951/955-6300
FAX: 951/955-6322 & 951/955-6363



April 30, 2013

Via email only to: CJacobs@EastvaleCA.gov

Carol Jacobs, City Manager
City of Eastvale
Eastvale City Hall
12363 Limonite Avenue, Suite 910
Eastvale, CA 91752

Re: City of Eastvale
Property Tax Administrative Fee issue

Dear Ms. Jacobs:

Following the California Supreme Court's decision in the *Alhambra v. County of Los Angeles* case, the County of Riverside expected to receive a claim from the city of Eastvale ("City") for Property Tax Administrative Fees ("PTAF") which were charged to City. In December of 2012, the Riverside County Auditor made allocations consistent with the Supreme Court PTAF decision and will continue to do so.

As of today's date, County of Riverside has not received the City's claim. We invite you to submit a claim for the PTAF charged to the City in fiscal year 2011 – 2012. For your convenience, we are enclosing a copy of the County of Riverside's claim form, which you may choose to use.

This correspondence is prepared for the purposes of settlement negotiations and should not be deemed an admission of liability.

Should you have any questions or concerns or would like to discuss the matter further, please contact the undersigned.

Carol Jacobs
April 30, 2013
Page Two

We would appreciate your City submitting a claim as soon as possible.

Sincerely,

PAMELA J. WAJLS
County Counsel

L. ALEXANDRA FONG
Deputy County Counsel

LAF
Enclosure



City of Eastvale

12363 Limonite Avenue, Suite #910 • Eastvale, CA 91752
(951) 361-0900 • Fax: (951) 361-0888 • www.EastvaleCA.gov

May 28, 2013

Clerk of the Board of Supervisors
Attention: Claims Division
4080 Lemon Street, 1st Floor
Riverside, CA 92502

RE: CLAIM FOR DAMAGES – REFUND FOR OVERCHARGE OF PROPERTY TAX
ADMINISTRATION FEES

To whom it may concern:

On November 19, 2012, the Supreme Court issued its decision in *City of Alhambra v. County of Los Angeles*, Case No. S185457, holding that the County had improperly withheld property tax revenue to cities. The Court found that the County had improperly considered property tax revenue diverted to repay the Triple Flip (pursuant to Revenue & Taxation Code § 97.68) and Vehicle License Fee Swap (“VLF”) (pursuant to Revenue & Taxation Code § 97.70) as non-exempt revenue subject to the County’s Property Tax Administration Fee (“PTAF”). Such revenue should have been considered exempt as revenue allocated to the County’s Educational Revenue Augmentation Fund pursuant to Revenue and Taxation Code § 97.75. *Id.* at 15 – 16.

The state statute clearly provides, and the Court held, that the County may only charge the actual cost of providing such services; As a result, the City of Eastvale (“City”) has been charged significantly more PTAFs than authorized under state law, resulting from the County’s inclusion of Triple Flip and VLF revenue in its calculation of such fees.

Therefore, the City is hereby filing a formal claim for damages and requesting a **refund in the amount of \$12,453**, representing the pro-rated amount of administrative fees charged in fiscal year 2011-12 relating to the Triple Flip and VLF.

The City reserves the right to request repayment of all property tax revenue improperly withheld by the County in violation of Revenue and Taxation Code § 97.75 and/or the Court’s decision in *City of Alhambra v. County of Los Angeles*. The filing of this Claim does not waive any claim by the City that such a claim is not required and/or the City’s demand for a refund of property tax revenue is exempt from the requirements of the Tort Claims Act pursuant to, without limitation, Government Code § 905.

Sincerely,

Carol Jacobs
City Manager
City of Eastvale

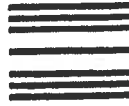
RECEIVED RIVERSIDE COUNTY
CLERK / BOARD OF SUPERVISORS
2013 JUN -3 PM 2:56



City of Eastvale
12363 Limonite Ave., Ste. #910
Eastvale, CA 91752



Clerk of the Board of Supervisors
ATTN: Claims Division
4080 Lemon Street Floor 1st
Riverside CA 92501-3634



\$0.460
US POSTAGE
FIRST-CLASS
FROM 91752
MAY 28 2013
stamp.com

RECEIVED RIVERSIDE COUNTY
CLERK / BOARD OF SUPERVISORS

2013 JUN -3 PM 2:56



City of Eastvale

City Council Meeting Agenda

Staff Report

MEETING DATE: SEPTEMBER 11, 2013

9. *COUNCIL COMMUNICATIONS*



City of Eastvale
City Council Meeting Agenda
Staff Report

MEETING DATE: SEPTEMBER 11, 2013

10. CITY MANAGER'S REPORT



City of Eastvale
City Council Meeting Agenda
Staff Report

MEETING DATE: SEPTEMBER 11, 2013

11. CLOSED SESSION

**11.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR
PURSUANT TO SUBDIVISION (B) OF SECTION 54656.8:**

Property: APN #144-121-002

Negotiating Parties: City of Eastvale and Douglas and Diana Dimitruk

**11.2 PUBLIC EMPLOYEE PERFORMANC EVALUATION PURSUANT
TO SECTION 54957:**

Title: City Manager



City of Eastvale
City Council Meeting Agenda
Staff Report

MEETING DATE: SEPTEMBER 11, 2013

12. ADJOURNMENT