AGENDA

REGULAR MEETING OF THE HEMET CITY COUNCIL

June 25, 2013

6:00 p.m.
City of Hemet Council Chambers **www.cityofhemet.org**
450 E. Latham Avenue *Please silence all cell phones*

**Notice: Members of the Public attending shall comply with the Council's adopted Rules of Decorum in Resolution No. 4148. A copy of the Rules of Decorum are available from the City Clerk.*

Call to Order

Roll Call

ROLL CALL: Council Members Krupa, Milne and Wright, Mayor Pro Tem Smith and Mayor Youssef

Closed Session

Notice of Opportunity for Public Comment

Members of the Public may comment upon any identified item on the closed session agenda. Since the Council's deliberation on these items is confidential the City Council and City Staff will not be able to answer or address questions relating to the items other than procedural questions. At the conclusion of the closed session, the City Attorney will report any actions taken by the City Council which the Ralph M. Brown Act required to be publicly reported.

1. Conference with Legal Counsel - Existing Litigation
   Pursuant to Government Code section 54956.9(a)
   Names of case: Pimentel, et al. v. Hemet, et al
   RIC 1212963

2. Conference with Labor Negotiators
   Pursuant to Government Code section 54957.6
   Agency designated representatives: *Interim City Manager Bradley*
   Employee organization:
   Service Employees International Union (SEIU) General Employees
   Hemet Fire Fighters Association
   Hemet Police Officers Association

REGULAR SESSION

7:00 p.m.
City of Hemet City Council Chambers
450 E. Latham Avenue

Call to Order

Roll Call

ROLL CALL: Council Members Krupa, Milne and Wright, Mayor Pro Tem Smith and Mayor Youssef

Invocation

Pledge of Allegiance

City Attorney Closed Session Report

3. Conference with Legal Counsel - Existing Litigation
   Pursuant to Government Code section 54956.9(a)
   Names of case: Pimentel, et al. v. Hemet, et al
   RIC 1212963

4. Conference with Labor Negotiators
   Pursuant to Government Code section 54957.6
   Agency designated representatives: *Interim City Manager Bradley*
   Employee organization:
   Service Employees International Union (SEIU) General Employees
   Hemet Fire Fighters Association
   Hemet Police Officers Association

Presentation

5. Acknowledge donations made by Riverside County 3rd District Supervisor, Jeff Stone

City Council Business

Notice to the Public

The Consent Calendar contains items which are typically routine in nature and will be enacted by one motion by the Council unless an item is removed for discussion by a member of the public, staff, or Council. If you wish to discuss a Consent Calendar item please come to the microphone and state the number of the item you wish to discuss. Then wait near the lecture. When the Mayor calls your turn give your last name, and address, then begin speaking. You will have three minutes at that time to address the Council.

Consent Calendar

6. **Receive and file** – Warrant Register
   a. Warrant registers dated June 4, 2013 and June 13, 2013. Payroll for the period of May 13, 2013 to May 26, 2013 was $603,265.76.

7. **Recommendation by Finance** – Levy of a Special Tax in Community Facilities District No. 1999-1 (Heartland Project), for FY 2013-14
   a. Adopt a resolution authorizing the levy of a special tax in Community Facilities District No. 1999-1. **Resolution Bill No. 13-022**

8. **Recommendation by Finance** – Initiate Proceedings for the Annual Levy of Assessment for Existing Streetlight Maintenance Districts for Fiscal Year 2013-2014
   a. Adopt a resolution initiating proceedings and ordering the Report of the Engineer in connection with the annual levy of assessments for the existing citywide streetlight maintenance districts and the levy and collection of assessments within such district for fiscal year 2013-2014 and designate Willdan Financial Services as the Engineer for the purpose of these proceedings.
   Resolution Bill No. 13-023

9. **Recommendation by Finance** – Declare the intention for the Levy and Collection of Assessments, preliminary approve the Engineer's Report and set a Public Hearing for the existing Streetlight Maintenance District for Fiscal Year 2013-2014
   a. Adopt a resolution of intention to order the annual levy of assessments for the existing citywide streetlight maintenance district and to levy and collect assessments within such district for fiscal year 2013-2014, preliminarily approve the Engineer's Report and appoint July 9, 2013 for hearing protest.
   Resolution Bill No. 13-024

10. **Recommendation by Finance** – Initiate Proceedings for the Annual Levy of Assessment for Existing Landscape Maintenance Districts for Fiscal Year 2013-2014
    a. Adopt a resolution initiating proceedings and ordering the Report of the Engineer in connection with the annual levy of assessments for the existing citywide landscape maintenance districts and the levy and collection of assessments within such district for fiscal year 2013-2014 and designate Willdan Financial Services as the Engineer for the purpose of these proceedings.
    Resolution Bill No. 13-025

11. **Recommendation by Finance** – Declare the intention for the Levy and Collection of Assessments, preliminary approve the Engineer's Report and set a Public Hearing for the existing Landscape Maintenance District for Fiscal Year 2013-2014
    a. Adopt a resolution of intention to order the annual levy of assessments for the existing citywide landscape maintenance district and to levy and collect assessments within such district for fiscal year 2013-2014, preliminarily approve the Engineer's Report and appoint July 9, 2013 for hearing protest.
    Resolution Bill No. 13-026

12. **Recommendation by Police Department** – Cooperative Agreement – Memorandum of Understanding with California Highway Patrol
    a. Authorize the Interim City Manager to enter into a Memorandum of Understanding with the California Highway Patrol on behalf of the Hemet Police Department for enhanced traffic enforcement on SR-74 (Florida Avenue) within the Hemet City limits. The total budget shall not exceed $195,000.

13. **Recommendation by Engineering -** Grading, Sediment and Erosion Control
    a. Adopt an ordinance adding Section 67 to the Hemet Municipal Code regarding the establishment of grading, sediment and erosion control regulations. **Ordinance Bill No. 13-014**

14. **Recommendation by Community Development** - Municipal Code Amendment 13-003 – Maintenance, Security and Rehabilitation of Abandoned or Vacant Properties
    a. Adopt an ordinance establishing Article XI of Chapter 14 of the Hemet Municipal Code regarding the Maintenance, Security and Rehabilitation of Abandoned or Vacant Properties. **Ordinance Bill No. 13-011**

15. **Recommendation by Engineering** – Award of Bid for the Live Oak Street Sanitary Sewer, City Project No. 5579
    a. Award the contract to the lowest, responsive bidder, Taylor Underground, Inc. for the Echo Hills Waterline Project CIP 5579 in the amount of $72,026, and reject all other bids; and
    b. Authorize the Interim City Manager to enter into a construction contract for the improvements; and
    c. Establish budget in the amount of $72,026; construction, (254-5579-5500), $7,500 for geotechnical engineering (254-5579-2710) all from fund No. 254-4600-2450, fund NO. 254-4600-5400 and sewer fund balance for the remainder. The total cost of the project is estimated to be $79,526.

16. **Recommendation by Community Investment** – Additional Allocation of 2013-2014 Program Year Community Development Block Grant entitlement funds
    a. Reconvene the Ad Hoc Committee to discuss and recommend allocation of the additional $100,594 in 2013-2014 Community Development Block Grant (CDBG) funding; and
    b. Present these recommending to the full City Council for consideration at the Council meeting of July 23, 2013.

Public Hearing

The City Council's procedure for public hearings will be as follows: The Mayor will ask the City Manager for the staff report; the City Manager will call on the appropriate staff member for the report. The Mayor will ask for clarification of items presented, if needed. The Mayor will open the public hearing: ask for comments for those IN FAVOR of the case; ask for comments IN OPPOSITION to the case; and finally for rebuttal to any comments made. The Mayor will then CLOSE THE PUBLIC HEARING. The Mayor will ask the City Manager to respond to any questions raised by the public (the public will not have the opportunity to respond). The matter will then be discussed by members of the City Council prior to taking action on the item.

17. **Registration Fee for Abandoned, Foreclosed or Vacant Property** – Community Development Director Elliano
    a. Adopt a resolution establishing fee amounts for the registration of abandoned or foreclosed property within the City of Hemet pursuant to Chapter 14, Article XI of the Hemet Municipal Code. **Resolution Bill No. 13-028**

Discussion/Action Items

18. **Agreement with Valley-Wide Recreation and Park District for Professional Facility Management of the James Simpson Memorial Center** – Interim Assistant City Manager Thornhill
    a. Authorize the City Manager to enter into a Professional Services Agreement with Valley-Wide Recreation and Park District for professional facility operation management services of the James Simpson Center for a period of three (3) years, for an amount not to exceed $287,654 annually or a total amount of $862,962 over a period of three (3) years. Agreement with Elizabeth

19. **Resolution Revising Rules of Decorum for Public Meetings** – City Attorney Vail
    a. Adopt a resolution adopting revised rules of decorum applicable to the personal conduct of individuals attending meetings of the City Council, Planning Commission, library Board, Housing Authority and all other subsidiary or advisory boards, commissions, or committees of the City Council of the City of Hemet. **Resolution Bill No. 13-031**

20. **Ad Hoc Committee Recommendation for Special Event/Community Event funding for 2013-2014 Fiscal Year** – Community Investment Director Jansons
    a. Approve the recommendation of the City Council Ad-Hoc Committee to fund Community Events in the amount of $25,000 for fiscal year 2013-2014.

21. **Sponsorship of 4th of July Celebration** – Community Investment Director Jansons
    a. Award a sponsorship of $6,000 toward the cost of producing the 4th of July celebration by Valley-Wide Parks and Recreation District.

22. **Municipal Code Amendment 13-004 pertaining to the Issuance of Administrative Citations** – Community Development Director Elliano
    a. Introduce, read by title only and waive further reading of an ordinance regarding amendments to the Hemet Municipal Code in an effort to refine the procedures related to the imposition, enforcement, collection, and appeal of administrative citations, fines and penalties **Ordinance Bill No. 13-029**; and
    b. Direct staff to file a Notice of Exemption with the County Clerk in compliance with the California Environmental Quality Act.

23. **Municipal Coe Amendment 13-005 pertaining to the Declaration and Abatement of Public Nuisance Conditions** – Community Development Director Elliano
    a. Introduce, read by title only and waive further reading of an ordinance amending Chapter 30 of the Hemet Municipal Code regarding public nuisances and the associated regulations that will promote the maintenance of real property and enhance the appearance, habitability, occupancy, use and safety of all structures and premises within the City; and
    b. Direct staff to file a Notice of Exemption with the County Clerk in compliance with the California Quality Act.

24. **FY 2013-2014 Proposed Budget –** Interim City Manager Bradley
    a. Adopt a resolution adopting the Budget for the City of Hemet and approving appropriation for the Fiscal Year Commencing July 1, 2013 and ending June 30, 2014. **Resolution Bill no. 13-031**

Communications from the Public

Anyone who wishes to address the Council regarding items not on the agenda may do so at this time. As a courtesy, please complete a Request to Speak Form found at the City Clerk's desk. Submit your completed form to the City Clerk prior to the beginning of the meeting. Presentations are limited to three minutes in consideration of others who are here for agenda items. Please come forward to the lectern when the Mayor calls upon you. When you are recognized, you may proceed with our comments.
Notice: Members of the Public attending shall comply with the adopted Rules of Decorum in Resolution No. 4148. A copy of the Rules of Decorum are available from the City Clerk.

State law prohibits the City Council from taking action or discussing any item not appearing on the agenda except for brief responses to statements made or questions posed by the public. In addition, they may, on their own initiative or in response to questions posed by the public, ask a question for clarification, provide a reference to staff or other resources for factual information, or request staff to report back to them at a subsequent meeting. Furthermore, a member of the City Council or the Council itself may take action to direct staff to place a matter of business on a future agenda.

City Council Reports

25. CITY COUNCIL REPORTS AND COMMENTS
    A. Council Member Krupa
        1. Traffic and Parking Commission
        2. Riverside Conservation Authority (RCA)
        3. Ramona Bowl Association
        4. Indian Gaming Distribution Fund
        5. Riverside Transit Agency (RTA)

    B. Council Member Milne
        1. Library Board
        2. League of California Cities
        3. Riverside County Habitat Conservation Agency (RCHCA)
        4. Riverside Transit Agency (RTA)
        5. Riverside Conservation Authority (RCA)

    C. Council Member Wright
        1. Park Commission
        2. Planning Commission
        3. Indian Gaming Distribution Fund
        4. Riverside County Habitat Conservation Agency (RCHCA)
        5. Ramona Bowl Association

D. Mayor Pro Tem Smith
   1. League of California Cities
   2. Riverside County Transportation Commission (RCTC)
   3. Western Riverside County of Governments (WRCOG)
   4. Public Safety Update
   5. National League of Cities

E. Mayor Youssef
   1. Western Riverside County of Governments (WRCOG)
   2. Riverside County Transportation Commission (RCTC)
   3. Disaster Planning Commission

F. Ad-Hoc Committee Reports
   1. Crime Stoppers Plus Ad-Hoc Committee
   2. West End Advisory Ad-Hoc Committee

G. Interim City Manager Bradley
   1. Manager's Reports

Continued Closed Session

City Attorney Continued Closed Session Report

Future Agenda Items

If Members of Council have items for consideration at the next City Council meeting, please state the agenda item to provide direction to the City Manager.

Adjournment

Adjourn to Tuesday, July 9, 2013 at 7:00 p.m. for consideration of items placed on that agenda. The next regular meeting will be held July 23, 2013.

Staff reports and other disclosable public records related to open session agenda items are available at the City Clerk's Office or at the public counter located at 445 E. Florida Avenue during normal business hours.

AGENDA # 6

Staff Report

TO: Honorable Mayor and Members of the City Council

FROM: Rita Conrad, Deputy City Manager/Administrative Services;
Ronald E. Bradley, Interim City Manager

DATE: June 25, 2013

RE: Warrant Register

The City of Hemet's warrant registers dated June 4, 2013 and June 13, 2013 are currently posted on the City's website in the Finance Department section, under *Financial Information*. Payroll for the period of May 13, 2013 to May 26, 2013 was $603,265.76.

CLAIMS VOUCHER APPROVAL

"I, Rita Conrad, Deputy City Manager/Administrative Services, do hereby certify that to the best of my knowledge and ability, that the warrant register posted on the city's website is a true and correct list of warrants for bills submitted to the City of Hemet, and the payroll register through the dates listed above, and that there will be sufficient monies in the respective funds for their payment."

Respectfully submitted,

Rita Conrad

Rita Conrad
Deputy City Manager/Administrative Services

RC: mh

CITY OF HEMET
VOUCHER/WARRANT REGISTER
FOR ALL PERIODS

CLAIMS VOUCHER APPROVAL

I, RITA CONRAD, DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND ABILITY, THAT THE WR POSTED ON THE CITY WEBSITE IS A TRUE AND CORRECT LIST OF WARRANTS FOR BILLS SUBMITTED TO THE CITY OF HEMET THROUGH THE DATES LISTED ABOVE, AND THAT THERE WILL BE SUFFICIENT MONIES IN THE RESPECTIVE FUNDS FOR THEIR PAYMENT.

RITA CONRAD
DEPUTY CITY MANAGER/ADMINISTRATIVE SERVICES

AGENDA # 7

Staff Report

TO: Honorable Mayor and Members of the City Council

FROM: Rita Conrad, Deputy City Manager/Administrative Services
Ronald E. Bradley, Interim City Manager REB

DATE: June 25, 2013

RE: Resolution Authorizing the Levy of a Special Tax in Community Facilities District No. 1999-1 (Heartland Project), for FY 2013-14

RECOMMENDATION:

It is recommended that the City Council acting in its capacity as the legislative body of Community Facilities District (CFD) No. 1999-1 (Heartland Project) adopt Resolution Bill No. 13-022 authorizing the levy of a special tax for this district for fiscal year 2013/2014.

BACKGROUND:

The City established Community Facilities District No. 1999-1 on August 5, 1999 for the purpose of financing the cost of the construction and acquisition of certain street improvements, including landscaping, drainage facilities, utilities, fees and other eligible costs. Two bonds were issued in August 2001 and November 2002. Those two bond issues were refinanced with a single new bond issue for $14,215,000 in June 2006, and thus provided savings to the homeowners in the district.

ANALYSIS:

Each year a special tax is required to be levied to cover the costs of the district's debt service, administrative costs and (if necessary), the replenishment of the reserve funds. This maximum special tax applicable for all classifications of taxable property are as follows: Undeveloped Property, $6,200/Net Taxable Acre; Non-Conforming Developed Property, $6,200/Net Taxable Acre; Conforming Single-Family Property, $800/Per Residential Unit; Conforming Multi-Family Property, $600/Per Residential Unit. The levy of the special tax will be equal on all parcels of taxable property, up to 100% of the maximum special taxes until it has levied the amount necessary to satisfy the special tax requirement for the fiscal year.

The maximum special tax for the district levy has been calculated by the City's consultants, PSOMAS, to be $1,060,546. However, the special tax requirement is only $771,592.33, which is a 7.44% decrease from last year's levy of $833,615.16.

FISCAL IMPACT:

There is no direct fiscal impact on the City of Hemet.

Respectfully submitted,

Rita Conrad

Rita Conrad
Deputy City Manager/Administrative Services

RC: mh

Attachments: Resolution Bill No. 13-022
Special Tax Computation Sheet

CITY OF HEMET
Hemet, California
RESOLUTION BILL NO. 13-022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 1999-1 (HEARTLAND PROJECT), AUTHORIZING THE LEVY OF A SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT 1999-1

WHEREAS, the City Council of the City of Hemet is the legislative body for Community Facilities District No. 1999-1 (Heartland Project), created pursuant to the Mello-Roos Community Facilities District Act of 1985, as amended (the "Act"); and

WHEREAS, the City Council of the City of Hemet has enacted Ordinance No. 1641 in accordance with Government Code Section 53340 authorizing the levy of a special tax assessment on the property located within the CFD; and

WHEREAS, at this time the unanimous consent to the annexation of certain territory within the Future Annexation Area to the District has been received from the property owner or owners of such territory, and such territory has been designated as ANNEXATION NO. 7 (the "Annexed Area"); and

WHEREAS, the City Council has completed all steps necessary to levy a special tax assessment in accordance with procedures set forth in the act:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hemet, acting as the legislative body for the Community Facilities District 1999-1 (Heartland Project) as follows:

SECTION 1. Each of the above recitals is true and correct.

SECTION 2. Pursuant to the provisions of Resolution No. 3543 and City of Hemet Ordinance No. 1641, there is to be levied an aggregate special tax of $771,592.33 on the parcels which comprise the CFD for Fiscal Year 2013-14 as set forth on a magnetic tape to be provided by PSOMAS to the Auditor-Controller of the County.

SECTION 3. The special tax levy set forth above does not exceed the amount previously authorized by City of Hemet Ordinance No. 1641, and is not in excess of the previously approved by the qualified electorate of the CFD.

SECTION 4. The proceeds of the special tax levy shall be used to pay, in whole or in part, the costs for the following items:

A. Payment of principal and interest on the outstanding authorized bonded indebtedness.

B. Replenishment of the required bond reserve funds, or other reserve funds, if necessary.

C. Payment of administrative costs and incidental expenses of the CFD, as provided in Resolution No. 3543 and the Act.

The proceeds of the special tax levy shall be used as set forth above, and shall not be used for any other purpose.

SECTION 5. The Auditor-Controller of the County is hereby directed to enter the installment of the special tax for the exact rate and amount of the special tax levied in accordance with this resolution for each lot or parcel of land affected in a space marked "CFD No. 1999-1 (Heartland Project)" on the next County assessment roll on which taxes will become due.

SECTION 6. The County Auditor-Controller shall, at the close of the tax collection period, promptly render the CFD a detailed report showing the amounts of the special tax installments, penalties, interest and fees collected and from which properties they have been collected. Any expenses to be paid to the Auditor-Controller for carrying out the foregoing responsibilities shall be in accordance with a contract entered into between the CFD and Auditor, pursuant to Section 29304 of the Government Code.

SECTION 7. The City Clerk shall certify adoption of the resolution.

PASSED, APPROVED, AND ADOPTED this 25th day of June, 2013.

Robert Youssef, Mayor

ATTEST:

Sarah McComas, City Clerk

APPROVED AS TO FORM:

Eric S. Vail, City Attorney

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Resolution is the actual Resolution adopted by the City Council of the City of Hemet and was passed at a regular meeting of the City Council on the 25th day of June, 2013 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Sarah McComas, City Clerk

2013-14 Budget City of Hemet CFD 1999-1 (Heartland) Special Tax Requirement Computation				
			Delinquency Rate for Prior Fiscal Year 11/12 as of 4/2012	1.99%
			Delinquency Rate for Current Fiscal Year 12/13 as of 5/2013	2.35%
			Projected Number of Parcels to Levy	1,211
			Series 2006	
Principal Amount of Bonds Outstanding as of Sept 13			$11,105,000.00	
Interest due 03/01/14			$259,048.75	
Interest due 09/01/14			$259,048.75	$518,097.50
Principal due 09/01/14			$420,000.00	
Total Debt Service Due for Fiscal Year			$938,097.50	
Reserve Fund Requirement - Series 2006	$940,507.50 (1)			
Projected Reserve Fund Balance - Series 2006	$466,136.25 (1)			
Reserve Fund Surety Bond	$474,371.25			
Deficit (Surplus)	$0.00 (1)		$0.00	
Reserve Adjustment	$0.00		$0.00	
Total Debt Service and Reserve Adjustment			$938,097.50	
		Prior Year Actual		Current Year Levy
Fiscal Agent				$4,200.00
Tax Consultant				$13,500.00
Auditor-Controller	104 (2)			$120.00
Projected Auditor-Controller (per Parcel enrollment fee)	0.24 (2)			$290.64
Projected Treasurer/Tax Collector (per Parcel fee)	0.39 (2)			$472.29
Arbitrage Rebate Calculations				$5,000.00
Disclosure Services				$0.00
City Administration				$6,000.00
Total Administration		$0.00		$29,582.93
Total Debt Service and Reserve Adjustment			$938,097.50	
Total Administration			$29,582.93	
Prior Year Deficit (Surplus)			($196,088.10)	
City Adjustment (3)				
Total Special Tax Requirement			$771,592.33	
Administration Percentage of Special Tax Requirement				3.83%
Total Maximum Special Tax as of August 2012			$1,026,198.00	
FY 2013-14 Allowable Special Tax Levy			$916,976.68	
City's Percentage of Levy				0.78%
Total Levy for Fund No. 68-5967			**$771,592.33**	
Prior Year Levy			$833,615.16	
Difference			($62,022.83)	-7.44%

(1) No credit to be given determine how to apply credit for future FY's
(2) Amount adjusted per Auditor-Controller numbers: .12 submittal & .12 for rejects
(3) Adjustment reflects future bond call and discrepency of fund balances

AGENDA # 8

Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Rita Conrad, Deputy City Manager/Administrative Services
Ronald E. Bradley, Interim City Manager

DATE: June 25, 2013

RE: Resolution of the City Council of the City of Hemet initiating proceedings for the annual levy of assessments for existing Streetlight Maintenance Districts for Fiscal Year 2013-2014

RECOMMENDATION:
It is recommended that the City Council approve the resolution initiating proceedings and ordering the Report of the Engineer in connection with the annual levy of assessments for the existing citywide streetlight maintenance districts and the levy and collection of assessments within such districts for fiscal year 2013-2014, and designate Willdan Financial Services as the Engineer for the purpose of these proceedings.

BACKGROUND:
Willdan Financial Services has previously prepared the assessment engineering report in connection with the annual levy of assessments for the existing citywide streetlight maintenance district. The assessments against the lots and parcels of land within the assessment district will pay for the operation, maintenance and servicing of streetlights and appurtenant structures.

FISCAL IMPACT:
The consultant fee for the full administration in connection with the annual levy of assessments for the existing streetlight maintenance district is $15,000. This fee will be split between Fund 225 L&LMD original districts, and Fund 227 Post Prop-218 districts. The funds are budgeted in the account #225-8250-2710 and #227-8250-2710.

Respectfully submitted,

Rita Conrad

Rita Conrad
Deputy City Manager/Administrative Services

Attachment: Resolution Bill No. 13-023

CITY OF HEMET
Hemet, California
RESOLUTION BILL NO. 13-023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS FOR THE EXISTING STREETLIGHT MAINTENANCE DISTRICTS FOR FISCAL YEAR 2013/2014

The City Council of the City of Hemet (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, The City Council of the City of Hemet, California has, by previous Resolutions, formed the Districts known and designated as the Streetlight Maintenance Districts (hereafter referred to as the "Districts") pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the "Act"), that provides for levy and collection of assessments by the County of Riverside for the City of Hemet to pay the maintenance and services of street lighting and all appurtenant facilities and operations related thereto; and,

WHEREAS, the City Council has appointed Willdan Financial Services for the purpose of assisting with the annual levy of the Districts, and to prepare and file a report with the City Clerk in accordance with the Act.

THE CITY COUNCIL OF THE CITY OF HEMET FINDS, DETERMINES, ORDERS AND RESOLVES AS FOLLOWS:

Section 1. The City Council hereby orders Willdan Financial Services to prepare the Consolidated Engineer's Report concerning the levy of assessments for the Districts in accordance with Chapter 3, Section 22622 of the Act.

Section 2. The general location and boundaries of the existing Districts are shown on maps on file in the office of the City Clerk, open to public inspection, and by reference are made part of this resolution. The Districts are designated as: "Hemet Streetlight Maintenance Districts."

Section 3. The improvements within the Districts include but are not limited to: the operation, maintenance and servicing of streetlights and appurtenant structures. Maintenance refers to the furnishing of electrical service and materials for the ordinary and usual maintenance, operation and servicing of the streetlight structures and appurtenant facilities, including repair, removal or replacement of all or part of any of the structures.

Section 4. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of said City; and shall make

a minute of passage and adoption thereof in the records of the proceedings of the City Council of said City, in the minutes of the meeting at which Resolution is passed and adopted.

PASSED, APPROVED, AND ADOPTED this 25th day of June, 2013.

Robert Youssef, Mayor

ATTEST:

Sarah McComas, City Clerk

APPROVED AS TO FORM:

Eric S. Vail, City Attorney

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Resolution is the actual Resolution adopted by the City Council of the City of Hemet and was passed at a regular meeting of the City Council on the 25th day of June, 2013 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Sarah McComas, City Clerk

AGENDA # 9

Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Rita Conrad, Deputy City Manager/Administrative Services
Ronald E. Bradley, Interim City Manager

DATE: June 25, 2013

RE: Resolution of the City Council of the City of Hemet declaring its intention for the levy and collection of assessments, preliminarily approving the engineer's report, and appointing a time and place for hearing protests for the existing Streetlight Maintenance Districts for Fiscal Year 2013-2014.

RECOMMENDATION:
It is recommended that the City Council approve the resolution of intention to order the annual levy of assessments for the existing citywide streetlight maintenance district and to levy and collect assessments within such districts for fiscal year 2013-2014, preliminarily approving the engineer's report and appointing July 9, 2013 for hearing protests.

BACKGROUND:
By its previous action the City Council approved Resolution 13-023 initiating proceedings and ordering the engineer's report in connection with the annual levy of assessments for the existing citywide streetlight maintenance district for fiscal year 2013-2014. The assessments against the lots and parcels of land within the assessment district will pay for the operation, maintenance and servicing of streetlights and appurtenant structures.

ANALYSIS:
The assessment engineer's report has been prepared and is on file with the City Clerk. A public notice will be published in the Press Enterprise regarding the proposed annual streetlight assessment rates for fiscal year 2013-2014.

FISCAL IMPACT:
The total proposed citywide streetlight maintenance district assessment for the fiscal year 2013-2014 is $1,126.655.

Respectfully submitted,

Rita Conrad

Rita Conrad
Deputy City Manager/Administrative Services

Attachment: Resolution Bill No. 13-024

CITY OF HEMET
Hemet, California
RESOLUTION BILL NO. 13-024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, FOR DECLARING ITS INTENTION FOR THE LEVY AND COLLECTION OF ASSESSMENTS, PRELIMINARILY APPROVING THE ENGINEER'S REPORT, AND APPOINTING A TIME AND PLACE FOR HEARING PROTESTS FOR THE EXISTING STREETLIGHT MAINTENANCE DISTRICTS FOR FISCAL YEAR 2013/2014.

The City Council of the City of Hemet, California (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, The City Council has by previous Resolutions formed the Streetlight Maintenance Districts (hereafter referred to as the "Districts"), initiated proceedings for Fiscal Year 2013/2014, and ordered the preparation of the Fiscal Year 2013/2014 Engineer's Report pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with section 22500)* (hereafter referred to as the "Act") that provides for the levy and collection of assessments by the County of Riverside for the City of Hemet to pay the maintenance and services of all improvements and facilities related thereto; and,

WHEREAS, all assessments for the Districts were previously approved in accordance with the requirements of the California State Constitution, Article XIIID; and,

WHEREAS, the City Council has appointed Willdan Financial Services for the purpose of assisting with the Annual Levy of the Districts, and to prepare and file a Consolidated Engineer's Report with the City Clerk in accordance with the Act; and,

WHEREAS, the Engineer's Report entitled "City of Hemet Consolidated Engineer's Annual Levy Report Streetlight Maintenance Districts" for Fiscal Year 2013/2014 has been filed with the City Clerk and presented to the City Council to be approved by the City Council, as required by *Chapter 1, Article 4, Section 22566* and *Chapter 3, Sections 22623* and *22624* of said Act; and,

WHEREAS, this City Council has examined and reviewed the Engineer's Report as presented, and is preliminarily satisfied with the Districts, each and all of the budget items and documents as set forth therein, and is satisfied that the assessments, have been spread in accordance with the special benefits received from the improvements, operation, maintenance and services to be performed within each District, as set forth in said Report.

THE CITY COUNCIL OF THE CITY OF HEMET FINDS, DETERMINES, ORDERS AND RESOLVES AS FOLLOWS:

Section 1. That the above recitals are all true and correct.

Section 2. That the Engineer's Report as presented, consists of the following:

a) A Description of Improvements (Plans & Specifications). The improvements within the Districts include but are not limited to: the operation, maintenance and servicing of streetlights and appurtenant structures. Maintenance refers to the furnishing of electrical service and materials for the ordinary and usual maintenance, operation and servicing of the streetlight structures and appurtenant facilities, including repair, removal or replacement of all or part of any of the structures.

b) The Annual Budget (Costs and Expenses of Services, Operations and Maintenance).

c) A Description of the Method of Apportionment resulting in an Assessment Rate per Unit of Benefit for each said District for Fiscal Year 2013/2014.

d) A citywide diagram showing the exterior boundaries of the Districts. The general location and boundaries of the existing Districts are shown on maps on file in the office of the City Clerk, open to public inspection, and by reference are made part of this resolution. The Districts are designated as: "Hemet Streetlight Maintenance Districts."

e) The 2013/2014 Assessment Collection Roll with the proposed assessment apportioned to each lot or parcel.

Section 3. The Engineer's Report is hereby approved on a preliminary basis pending a public hearing, and ordered to be filed in the Office of the City Clerk as a permanent record to remain open to public inspection.

Section 4. The City Council hereby declares its intention to seek the annual levy and collection of assessments within the Districts pursuant to the Act, over and including the land within the District boundaries, and to levy and collect assessments on all such land to pay the annual costs and expenses of the improvements and services described in Section 2 of this Resolution, for Fiscal Year 2013/2014.

Section 5. The proposed district assessments are within the limits previously approved by the property owners. The assessments outlined in the Engineer's Report have not been increased over the maximum rates approved by the property owners, and do not require additional property owner approval in accordance with the requirements of the California Constitution, Articles XIIIC and XIIID.

Section 6. The City Council hereby declares its intention to conduct a Public Hearing concerning the levy of assessments for the Districts in accordance with *Chapter 3, Section 22626* of the Act.

Section 7. The City shall give notice of the time and place of the Public Hearing to all property owners within the Districts by causing the publishing of this Resolution once in a local newspaper not less than ten (10) days before the date of the public hearing, and

by posting a copy of this resolution on the official bulletin board customarily used by the Council for the posting of notices.

Section 8. Notice is hereby given that Tuesday, the 9th day of July, 2013 at 7:00 pm, in the Council Chambers of the City of Hemet, 450 Latham Avenue, Hemet, California 92543, is the time and place fixed for a public hearing by the City Council on the question of the levy and collection of assessments for Fiscal Year 2013/2014 against lots and parcels of land within the Districts. At the hearing, interested persons shall be afforded the opportunity to hear and be heard.

Section 9. The City Clerk is hereby authorized and directed to give notice of such hearing as provided by law.

Section 10. The City Council hereby designates Rita Conrad, telephone number (951) 765-2330, to answer inquiries regarding the hearing, protest proceedings, and procedural or technical matters.

Section 11. Lots or parcels within the Districts that are owned or used by any county, city, city and county, special district or any other local or regional governmental agency, the State of California or the United States shall be assessed unless the City demonstrates by clear and convincing evidence that such lots or parcels receive no special benefit from the proposed improvements.

Section 12. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of said City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council of said City, in the minutes of the meeting shall so reflect the presentation of the Engineer's Report at which Resolution is passed and adopted.

PASSED, APPROVED, AND ADOPTED this 25th day of June, 2013.

Robert Youssef, Mayor

ATTEST:

APPROVED AS TO FORM:

Sarah McComas, City Clerk

Eric S. Vail, City Attorney

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Resolution is the actual Resolution adopted by the City Council of the City of Hemet and was passed at a regular meeting of the City Council on the 25th day of June, 2013 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Sarah McComas, City Clerk

City of Hemet

Streetlight Maintenance Districts

2013/2014 Engineer's Annual Levy Report

Intent Meeting: June 25, 2013
Public Hearing: July 9, 2013

27368 Via Industria
Suite 110
Temecula, CA 92590
T 951.587.3500 |
800.755.6864
F 951.587.3510

www.willdan.com/financial

CONSOLIDATED ENGINEER'S REPORT
AFFIDAVIT

Streetlight Maintenance Districts

City of Hemet,
County of Riverside, State of California

This Report describes the Districts and all relevant zones therein including the improvements, budgets, parcels and assessments to be levied for Fiscal Year 2013/2014, as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Riverside County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this 11th day of June, 2013.

Willdan Financial Services
Assessment Engineer
On Behalf of the City of Hemet

By: Stacee Reynolds

Stacee Reynolds, Senior Project Manager
District Administration Services

By: Richard Kopecky

Richard Kopecky
R. C. E. # 16742

REGISTERED PROFESSIONAL ENGINEER
RICHARD L. KOPECKY
C 16742
EXP 6-30-13
CIVIL
STATE OF CALIFORNIA

TABLE OF CONTENTS

I. OVERVIEW *1*

A. INTRODUCTION 1
B. HISTORICAL BACKGROUND 1
C. COMPLIANCE WITH CURRENT LEGISLATION 1

II. PLANS AND SPECIFICATIONS *2*

A. GENERAL IMPROVEMENTS WITHIN THE DISTRICT 2
B. DISTRICT DESCRIPTIONS 3

III. METHOD OF ASSESSMENT *10*

A. BENEFIT ANALYSIS 10
B. METHODOLOGY 11
C. ASSESSMENT ADJUSTMENT FACTOR TO OFFSET INFLATION 14

IV. DISTRICT BUDGETS *14*

A. DESCRIPTION OF BUDGET ITEMS 14
B. DISTRICT BUDGETS 14

APPENDIX A: DISTRICT ASSESSMENT DIAGRAMS *23*

APPENDIX B: 2013/2014 ASSESSMENT ROLLS *25*

I. OVERVIEW

A. INTRODUCTION

The City of Hemet ("City") annually levies and collects special assessments in order to provide and maintain improvements within the City's Streetlight Maintenance Districts ("Districts"). The Districts were formed and are levied annually pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code ("1972 Act").

This Consolidated Engineer's Annual Levy Report ("Report") describes the Districts and improvements, any proposed changes to the Districts or improvements and the proposed budgets and assessments for Fiscal Year ("FY") 2013/2014. The assessments are based on the City's estimated costs to maintain the improvements that provide a special benefit to properties assessed within the respective Districts. The improvements within the Districts and the corresponding costs and the annual levy are budgeted and assessed for each separate District, including all expenditures, deficits, surpluses, revenues, and reserves.

For the purposes of this Report, the word "parcel" refers to an individual property assigned its own Assessor's Parcel Number by the Riverside County ("County") Assessor's Office. The County Auditor/Controller uses Assessor's Parcel Numbers and specific Fund Numbers to identify properties assessed for special district benefit assessments on the County tax roll.

Following consideration of public comments and written protests at a noticed public hearing, the City Council may order amendments to the Report or confirm the Report as submitted. Following final approval of the Report and confirmation of the assessments, the Council may then order the levy and collection of assessments for FY 2013/2014 pursuant to the 1972 Act. In such case, the assessment information will be submitted to the County Auditor/Controller and included on the property tax roll for each benefiting parcel in FY 2013/2014.

B. HISTORICAL BACKGROUND

The City maintains the Districts, which include sixty-three (63) individual Districts and annexations, of which twenty-seven (27) were formed were formed prior to 1999. The twenty-seven (27) Districts (hereafter referred to as the "Original Districts") were formed prior to the passage of Proposition 218 and the remaining Districts were formed after 1999.

For descriptions of the each of the Districts, refer to Section II (B).

C. COMPLIANCE WITH CURRENT LEGISLATION

On November 5, 1996, California voters approved Proposition 218. The provisions of Proposition 218 are set forth in Articles XIIIC and XIIID of the California Constitution.

All assessments approved by the City Council have been prepared in accordance with the 1972 Act and are in compliance with the provisions of the California Constitution Article XIIID ("Article XIIID").

Pursuant to Article XIIID Section 5, certain existing assessments (those that existed on or before November 6, 1996) are exempt from the substantive and procedural requirements of Article XIIID Section 4 and property owner balloting for the existing assessments is not required until such time that such assessments are increased. The exemptions set forth in Section 5 include the following:

"(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control."

Based on the definitions provided by the Office of the Controller for the State of California in the Guidelines Relating to Gas Tax Expenditures published by the Division of Local Government Fiscal Affairs, street lighting is considered part of street improvements. Accordingly, the street lighting assessments for the Original Districts are considered exempt under the provision of section 5 (a) of the California Constitution.

All of the Districts formed after the November 6, 1996 and the related street lighting assessments and inflation provisions were approved pursuant to the requirements of Article XIIID, Section 4, which included mailed ballot and protest hearing proceedings.

II. PLANS AND SPECIFICATIONS

A. GENERAL IMPROVEMENTS WITHIN THE DISTRICT

The proposed improvements for the Districts may be generally described as follows:

- The installation of street lighting, safety lighting and appurtenant facilities necessary for the daily operation of said lighting located within City road rights-of-way. Installation covers all work necessary for the installment or replacement of said lighting and all appurtenant work necessary to complete said installation or replacement.

- The operation, maintenance, and servicing of all existing street lighting, safety lighting and appurtenant facilities necessary for the daily operation of said lighting located within City road rights-of-way. Operation, maintenance, and servicing means all work necessary for the daily maintenance required to maintain said lights in proper operation including providing said lights with the proper energy necessary to operate the lights.

In the City of Hemet, streetlights are mounted on the standard marbelite poles with mast arms, or mast arms attached to wood power poles. The lights are exclusively high-pressure sodium vapor lights, typically 70 watt with some 150 to 200 watts with the higher wattage lights usually placed in the commercial areas of the City.

In determining the location of streetlights, lights along residential streets are typically placed on an average of 170 feet apart, whereas streetlights along major and secondary roads, in areas of typically commercial use, are placed an average of 70 feet apart.

The maintenance of existing streetlight facilities is performed by either the Southern California Edison Company or by the City of Hemet through its own forces or contract personnel. The portion of the streetlight system owned and operated by the Southern

California Edison Company is billed to the City on a monthly flat rate or metered basis. These flat rates or metered amounts vary based upon the type and wattage of streetlights, and actual metered amounts.

A portion of the street lighting system is owned and maintained by the City of Hemet. Electrical energy is purchased from the Southern California Edison Company at metered locations.

The plans and specifications for the improvements for the Districts are voluminous and are not included in this Report, but are on file in the office of the City Engineer and are by reference herein made a part of this Report. Location of all streetlights and safety lighting are included on lighting inventory maps are available for public inspection in the office of the City Engineer and are by reference herein made a part of this Report.

B. DISTRICT DESCRIPTIONS

The twenty-seven (27) Original Districts were formed prior to the passage of Proposition 218 and the remaining Districts were formed after 1999. The boundaries for each of the Districts are presented in Appendix A, District Assessment Diagrams, of this Report. The Districts formed after 1999 are distinct and separate areas operating independently of the Original Districts. Furthermore, some of these Districts may contain two or more zones of benefit that are identified by development name and/or tract number.

The locations of the Original Districts are as follows:

District 1

The parcels are located in the area East of Kirby St. from Oakland Ave. north to Menlo Ave, to the North of Florida Avenue intersected by Devonshire Ave.

District 2

The parcels are located in the area north of Whittier Ave. and south of Mayberry Ave. intersected by South Palm Ave between Rainier Way and S. Tahquitz Ave.

District 3

The parcels are located in the area east of Kirby St. between Fruitvale Ave. to the south and Eaton Ave. to the north.

District 4

The parcels are located in the area south of W. Johnston Ave., north of W. Stetson Ave., between S. Gilbert St. and S. State St.

District 5

The parcels are located in the area north of Oakland Ave., south of Menlo Ave., and to the east of Lyon Ave.

District 6

All lots and parcels of land are in the subdivisions known as Tract 6971 and Tract 6971-1

located south of E. Stetson Ave., west of S. Buena Vista St. along Magnolia Cir.

District 7

All lots and parcels of land are in the subdivisions known as Tracts 8151 and 8151-1 located south of W. Devonshire Ave. and north of Rafferty Rd.

District 8

The parcels are located in the area south of W. Florida Ave., north of W. Acacia Ave., and between Sanderson Ave. and S. Kirby St.

District 9

The parcels are located in Seven Hills Golf Club area south of W. Stetson Ave. and west of S. Lyon Ave. (excluding tract 14309).

District 9-1

All lots and parcels of land are in the subdivision known as Tract 14309 located south of W. Stetson Ave. and west of S. Lyon Ave.

District 10

All lots and parcels of land are in the subdivisions known as Tracts 9245-1 and 9245-2 located south of W. Acacia Ave. and east of S. Kirby St.

District 11

The parcels are located in the area located east of N. Elk St. and N. Lyon Ave. between W. Menlo Ave. and W. Devonshire Ave. to the east of District 1.

District 12

The parcels are located in the area west of N. Lyon Ave. between Eaton Ave. and W. Menlo Ave. to the southeast of District 3.

District 13

The parcels are located in the area east of Sanderson Ave., north of W. Florida Ave., south of W. Devonshire Ave., and to the southwest of Districts 1 and 7.

District 14

All lots and parcels of land are in the subdivision known as Tract 11884 located north of E. Thornton Ave.

District 15

The parcels are located in a large area north of E. Newport Rd., west of S. State St., and to the south of Stetson Ave.

District 16

The parcels are located in a large area south of the Hemet-Ryan Airport to the west of Districts 9 and 15.

District 17

The parcels are located in the area north of W. Stetson Ave., east of Sanderson Ave., to the south of the main railway excluding Tract 22732.

District 17-1

All lots and parcels of land are in the subdivision known as Tract 22732 located north of W. Stetson Ave.

District 18

The parcels are located in the north of W. Acacia Ave, south of W. Florida Ave., and to the east of Sanderson Ave.

District 19

The parcels are located in a large area primarily in the eastern portion of the City, the boundaries are non-contiguous parcels.

District 19-1

The parcels are located in the area south of W. Fruitvale Ave. and north of W. Menlo Ave., between N. Sanderson Ave. and N. Kirby St.

District 19-2

The parcels are located in the area generally located west of N. Kirby St. between Eaton Ave. and Commonwealth Ave.

District 19-3

The parcels are located in a large area on the western portion of the City north of the main railway.

District 19-6

The parcels are located in the area east of Warren Rd. south of W. Florida Ave. and north of Whittier Ave.

District 19-7

All lots and parcels of land are in the subdivision known as Tract 24714 located east of the Echo Hills Golf Course.

District 19-10

The parcels are located in the area north of W. Menlo Ave. between Palm Ave. and N. State St.

The locations of the Districts formed after 1999 are as follows:

District 19-4 (Stoney Mountain)

All lots and parcels of land are in the subdivision known as Tract 29129 located east of Warren Ave. and south of W. Esplanade Ave.

District 19-5 (Heartland)

The parcels are located in The Hemet Golf Club area north of W. Florida Ave. and generally west of California Ave.

District 19-PHR (Parkhill)

The boundaries are non-contiguous parcels within the City, however the boundaries of which are shown on the map entitled "Proposed Streetlight Maintenance District (Parkhill)" is on file in the Office of the City Clerk of the City.

District 20 (Pacific Green and Orchard)

All lots and parcels of land are in the subdivisions known as Tract 25168 (Orchard) located northeast of Florida Ave. and Lake St and Tract 28555 (Pacific Green) located east of Lake St. north of Tract 25168.

District 21 (North Annexation)

The boundaries are non-contiguous parcels within the City. As of the writing of this report the description of the location is not available however the boundaries of which are shown on the map entitled "Proposed Streetlight Maintenance District (North Annexation)" is on file in the Office of the City Clerk of the City.

District 22 (Cottonwood)

All lots and parcels of land are in the subdivisions known as Tract 30558, 30558-1, and 30558-2 located at the southeast corner of Harrison Ave. and Fisher St.

District 23 (23, 23-1, 23-2B, 23-3, 23-4, 23-5, 23-5B)

All lots and parcels of land are in the following subdivisions:

- Tract 28581 (Crean) is located on the northwest corner of Sanderson Ave. and Eaton Ave.;
- Tract 29674 (Montana) s located on the southwest corner of Palm Ave. and Fruitvale Ave.;
- Tracts 30689 and 30689-1 (Wildflower and Woodcrest) are located on the northwest and southeast corners Sanderson Ave. and Eaton Ave.;
- Tract 29581 (Covenant) is located the northwest corner of Kirby St. and Commonwealth Ave.;
- Tract 30506 and Tract 33705 (Autumn Ridge) are located on between Sanderson Ave.,

Cawston Ave., Eaton Ave., and Fruitvale Ave.;
• Tract 28558 (Menlo Estates) is located on the northeast corner of Fruitvale Ave. and Brisbane St.;
• Tract 31295 (Menlo Estates II) located in the northwest corner of Florida Ave. and Brisbane Ave.;

District 24 (Kalpesh)

All lots and parcels of land are in the subdivisions known as:

• Tract 30869 (Zone A) is located south of Berkley Ave. and west of Lauresa Ln.;
• Tract 30969 (Zone B) is located north of Berkley Ave. and east of Hemet St.

District 25 (Flowerwood)

All lots and parcels of land are in the subdivisions known as Tract 30158 located west of Buena Vista Ave., north of Menlo Ave., and east of Railroad St.

District 26 (Willowalk)

All lots and parcels of land are in the subdivisions known as Tract 30041 located 430 feet south of Stetson Ave. and east of Sanderson Ave.

District 27 (Durango)

All lots and parcels of land are in the subdivisions known as Tract 31576. As of the writing of this report the description of the location is not available however the boundaries of which are shown on the map entitled, "Streetlight Maintenance District No. 27, Tract 31576" is on file in the Office of the City Clerk of the City.

District 29 (Peppertree)

All lots and parcels of land are in the subdivisions known as Tract 29843 located north of Menlo Ave. and west of Cawston Ave.

District 31 (Horseshoe)

All lots and parcels of land are in the subdivision known as Tract 32131 located north of Eaton Ave. and west of Palm Ave..

District 33 (Hideaway)

All lots and parcels of land are in the subdivisions known as Tract 24147-1 and Tract 31796 located north of Fruitvale Ave. and east of State St.

District 35 (Enclave)

All lots and parcels of land are in the subdivisions known as Tract 30724 located on the north side of Lincoln Ave. between Hemet St. and Meridian St.

District 36 (McSweeney)

All lots and parcels of land are in eight (8) subdivisions known as Tract Nos. 32717, 32717-1, -2, -3, -4, -5, -6 and Tract No. 32529 located north of Newport Rd. and east of State St.

District 37 (Montero)

All lots and parcels of land are in the subdivision known as Tract 31146 located on the north side of Devonshire Ave. between Warren Rd. and Old Warren Rd.

District 39 (SV Investments)

All lots and parcels of land are in the subdivision known as Tract 32359 located north of Charlton Ave. and east of Park Ave.

District 42 (Emerson)

All lots and parcels of land in the subdivision known as Tract No. 31970 located south of Devonshire Ave. and east of Meyers St.

District 43 (Palamino)

All lots and parcels of land are in the subdivision known as Tract 31280 located on the west side of Pine Ave. between Commonwealth Ave. and Esplanade Ave.

District 46 (Villa de Madrid)

All lots and parcels of land the subdivision known as Tract No. 33707 located on the northeast corner of Devonshire Ave. and Madrid St.

District 47 (Rancho Diamonte)

All lots and parcels of land located in the subdivisions known as Tract Nos. 31807, 31807-1, 31808, 31808-1, and 31808-2 located north of Mustang Way, east of Warren Rd., west of Fisher St. and south of Thornton Ave.

District 49 (Clean Streak Car Wash)

The District consists of two commercial developments that are placed into two individual Zones. The locations of the developments to be included within the District and Zones are as follows:

Zone 1: Clean Streak Car Wash located at 4888 E. Florida;

Zone 2: Esplanade Commercial Center located Esplanade Ave. and west of State St.;

District 50 (Guaranty Bank, The Promenade Shopping Center, Tanya on Broadway, Hemet Center for Medical Excellence, and the Commercial Center at Sanderson Ave and Devonshire Ave)

The District consists of five commercial developments that are placed into five individual Zones. The locations of the developments to be included within the District and Zone are as follows:

Zone 1: Guaranty Bank located south of Florida Ave. at the intersection with Cawston Ave.;

Zone 2: The Promenade Shopping Center located northeast corner of Florida Ave. and Myers Ave.;

Zone 3: Tanya on Broadway is located on the north side of Tanya Ave., 150 feet west of Sanderson Ave.;

Zone 4: Hemet Center for Medical Excellence is located on the south side of Stetson Ave., 475 feet east of Cawston Ave.;

Zone 5: Commercial Center located on the southwest corner of Sanderson Ave. and Devonshire Ave.

District 51 (Salvation Army)

The improvements maintained consist of a single commercial development which is located south of Acacia Ave., north of Central Ave. and East of Palm Ave.

District 52 (Salvation Army)

The improvements maintained consists of a single commercial development which is located west of Lyon Avenue, and generally east of Sanderson Avenue and north of Domenigoni Parkway within the City of Hemet.

District 54 (Habitat for Humanity)

The improvements maintained consist of a single residential development which is located north of Eaton St. and generally west of Palm Ave.

District 55 (Sahara)

The improvements maintained consist of a single commercial development which is located west of Palm Ave., south of Oakland Ave. and east of Hamilton Ave.

III. METHOD OF ASSESSMENT

A. BENEFIT ANALYSIS

Part 2 of Division 15 of the 1972 Act, permits the establishment of assessment districts by cities for the purpose of providing certain public improvements which include operation, maintenance, rehabilitation and servicing of street lights, parks and landscaping.

The 1972 Act requires that maintenance assessments be levied according to the special benefit received. Section 22573 provides that:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements".

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement" (Sec. 22574). In addition, Article XIIID requires that a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. Article XIIID provides that only special benefits are assessable and the City must separate the general benefits from the special benefits.

General Benefit: Article XIIID of the California Constitution requires that the benefit to the public at large be identified for any improvements being funded through an assessment district. This general benefit may not be assessed to the parcels through an assessment district. The following Method of Assessment for the District analyzes the benefit to the public at large from the landscaping and lighting improvements provided by the City for the District.

Special Benefit: Article XIIID of the California Constitution defines special benefit as "a particular and distinct benefit over and above the general benefits conferred on real property located in the district or to the public at large." General enhancement of property values does not constitute 'special benefit'. The following Method of Assessment for the Districts analyzes the special benefit each parcel receives from the improvements funded in each of the Districts. The cost of the landscaping maintenance is distributed to parcels based on the special benefit each parcel receives.

The benefit provided by street lighting consists of safety for pedestrians and motorists living and owning property in the Districts during the nighttime hours, and to assign right-of-way for the safety of pedestrians and motorists during all hours of the day. This is a special benefit to all developed parcels in the Districts. Streets are constructed for the safe and convenient travel by vehicles and pedestrians. They also provide an area for underground and overhead utilities.

Streetlights are installed to provide better visibility for drivers. One hundred (100) percent of the illumination from the lights is directed to the street, ninety (90) percent on the street side of the curb and ten (10) percent behind the curb. The spacing of the lights is based on the design speed of the street and the natural ability of the motorists' eyes to adjust to light and dark areas.

The system of streets within the Districts is established to provide access to each parcel in the Districts. Streetlights provide a safer street environment for owners of the parcels served. If the parcels were not subdivided to provide individual parcels to owners within the Districts, there would be no need for a system of streets with safety lighting. Therefore, the installation of streetlights is for the express special benefit of the parcels within the Districts. Therefore, since all the benefits are special benefits for the parcels within the Districts there remains no specific general benefit to the public at large.

This spacing of streetlights in residential areas allows for the potential of parcels with greater front footage to have a greater number of streetlights available to them. Residents with more front footage therefore have more of their parcel lighted at night, providing a safer and secure environment. Residential parcels also benefit from the lighting in commercial areas to some degree by having the commercial areas available to them for necessary services in the evening hours. Without streetlights, these commercial areas might not remain open after dark.

The increase in the number and intensity of lights available in the commercial areas of the Districts directly benefits commercial parcels by providing a safer night time environment for both employees and customers and allowing commercial businesses to provide night time hours of operation. Streetlights also provide greater security for businesses which may close early in the day and which do not have the benefit of visible customer activity at night. Additional streetlights also act as a draw for potential customers that might not frequent the establishment if it were not for the streetlights.

B. METHODOLOGY

Original Districts

The assessments are based on the Unit of Benefit (UOB). A UOB is defined as an increment of the front linear footage of the particular parcel classification. Accordingly, parcels with greater front linear footage will have a proportionally higher number of UOBs. Since the factors that determine benefit consist of the spacing and intensity of streetlights, the UOBs will then be based on a factor related to the spacing of lights and lighting intensity based on the parcel classifications.

A residential parcel has a standard unit, which determines the benefit proportions based on the spacing of street lights as discussed in the General Improvements section of this Report. An equivalent frontage of commercial property would have an assessment rate of 2.42 times the residential rate (170 feet spacing divided by 70 feet spacing = 2.42). However, because the streetlights in commercial areas have a direct benefit to residences as well, the rate for commercial parcels can be reduced to 1.5 times the residential rate. Therefore, based on a front linear footage determination, each commercial/industrial parcel's front footage will be 1.5 times an equivalent residential parcel's front footage.

Each parcel in the District, regardless of land use, is assessed based on the parcel's front linear footage. Front footage is defined as the width of the parcel immediately abutting a City street, with the following exceptions:

- Corner parcels where the shorter of the two sides immediately abutting dedicated City streets will be considered the parcels front footage.

- Cul-de-sac parcels where the width of the parcel measured 50 feet back from the property line immediately abutting a dedicated City street will be considered the parcels front footage.

As detailed above, the benefit of streetlights to adjacent properties comes from many factors, which relate to the flow of vehicular and pedestrian traffic in relation to the parcels use. Since the benefit is related to land use, there should be distinct classifications of land use, which will be used to determine individual assessments.

Assessments proposed for individual lots within the District will be determined upon the following four land classifications:

- Residential parcels are those lots having at least one residential structure on them with a lot frontage of 120 feet or less and are assigned one UOB per front linear foot up to 120 front linear feet.

- Rural parcels are those lots having at least one residential structure on them with a lot frontage over 120 feet. The maximum assessment frontage for rural parcels will be 120 feet; therefore, rural parcels are assigned 120 UOB per lot.

- Agricultural parcels are those lots having no residential structures on them and with a frontage in excess of 120 feet. Agricultural parcels are assigned zero UOB until such time as the parcel develops.

- Commercial/Industrial parcels are those lots that are not classified as residential, rural, or agricultural and are assigned 1.5 UOB per front linear foot with no limit in front linear footage.

The following table summarizes the four land use classifications and UOB assigned to each:

Land-Use Category	UOB Factor
Residential	1.0 UOB/Front Linear Foot
Commercial/Industrial	1.5 UOB/Front Linear Foot
Agricultural	0.0 UOB
Rural	120 UOB/Lot

Currently for the original Districts there are 910,835 residential/rural and 61,007 commercial/industrial front linear feet within the original Districts, which totals 978,842 of front linear footage. Applying the particular UOB for each classification results in an adjusted UOB of front linear footage of 1,002,345 for the Districts, which consists of 910,835 residential/rural and 91,510 commercial/industrial UOB of front linear footage for purposes of assessment calculations.

Based on a rate of $0.98 per front linear foot for residential/rural parcels and $1.47 per front linear foot for commercial/industrial parcels in the original Districts, the total assessment for the Districts for Fiscal Year 2013/2014 is:

Total Assessment for Fiscal Year 2013/2014	
Total front linear footage	971,842
Rate per UOB front linear foot	$0.98
Adjustment for commercial/industrial (1.5%)	$1.47
Residential/Rural assessment ($.98) (910,835)	$892,618
Commercial/Industrial ($1.47) (61,007)	89,680
Total for District:	**$982,298**

For Fiscal Year 2013/2014, no change in assessment rates or per parcel assessments are proposed for the Original Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 9-1, 10, 11, 12, 13, 14, 15, 16, 17, 17-1, 18, 19, 19-1, 19-2, 19-3, 19-6, 19-7, and 19-10.

The following table shows the applied rates per Land Use category.

Land Use	Total Front Foot	Total UOB(1)	Rate per Front Foot	Total Assessment
Residential	910,835	910,835	$0.98	$892,618
Commercial/Industrial	61,007	91,510	$1.47	89,680
Rural	0	0	$0.00	0
Totals	**978,842**	**1,002,345**		**$982,298**

(1) Slight Variance due to rounding

Subsequent Districts and Annexations

Each of the Districts formed subsequent to the formation of the Original Districts consists of single-family residential parcels, with the exception of Districts 49 and 50, which all receive a unique and special benefit from the improvements due to their similarity in location, use, and proximity to the improvements. Districts 49 and 50 are commercial districts. Each parcel in each of these Districts is assessed for the special benefits of the maintained landscaping in its respective District and only that District and will be charged the same per EBU rate as any other parcel in that District.

For the Districts formed after 1999, please refer to Section IV (B) for a breakdown of the District Budgets and the Maximum Levy per EBU:

C. ASSESSMENT ADJUSTMENT FACTOR TO OFFSET INFLATION

It is recognized that the cost of maintaining the improvements may increase slightly every year as a result of inflation.

New or increased assessments require certain noticing, meeting, and balloting requirements. However, Government Code Section 54954.6(a) provides that a "*new or increased assessment*" does not include "*an assessment which does not exceed an assessment formula or range of assessments...previously adopted by the agency or approved by the voters in the area where the assessment is imposed.*" This definition of an increased assessment was later confirmed by Senate Bill 919 (The Implementing Legislation for Proposition 218).

Those Districts that make up the original twenty-seven (27) districts do not include a cost of living adjustment factor. However, the districts formed after these include a cost of living adjustment factor for increasing assessments each fiscal year to offset increases in costs due to inflation, which will be limited by a not-to-exceed rate of 4 percent per fiscal year. This adjustment factor complies with the above referenced Government Code Section and was adopted by the City Council as approved by the property owners when they were balloted for their assessments.

If the budget and assessments for a given District require an increase greater than the adjustment set forth, then the proposed increase would be subject to the procedural requirements of Section 4 of Article XIIID.

IV. DISTRICT BUDGETS

A. DESCRIPTION OF BUDGET ITEMS

The following describes the services and costs that are funded through the Districts and shown in the District budgets:

Operating Reserve Fund/Capital Reserve: Includes funds being added to the Reserve Account for the current fiscal year. The Reserve Account provides for collection by the District of funds to operate the District from the time period of July 1 (beginning of the fiscal year) through December when the County provides the City with the first installment of assessments collected from the property tax bills. The Reserve Account eliminates the need for the City to transfer funds from non-district accounts to pay for District charges during the first months of the fiscal year. The Capital Reserve includes repairs to the improvements and facilities that are not included in the yearly maintenance costs. This may include repair of damaged amenities due to vandalism, storms, etc. Also included may be planned upgrades or replacements of the improvements and equipment that provide a direct benefit to the District.

Street Lighting: Includes electricity, materials and equipment required to properly operate, maintain, and service the authorized improvements and services within the District, including street lighting, safety lighting, and associated appurtenant facilities within the District.

Labor Costs: Include regularly scheduled labor, contracted labor, and general maintenance costs including wages, salaries, and benefits required to properly maintain and ensure the

satisfactory condition of the authorized improvements and services within the District.

Personnel/Overhead: The cost to all particular departments and staff of the City for providing the coordination of District services, operations and maintenance of the improvements, response to public concerns and education, and procedures associated with the levy and collection of assessments.

Professional Fees: These are the costs of contracting with professionals to provide services specific to the levy administration. Professional levy administration includes preparation of the Report, resolutions, and levy submittal to the County. These fees can also include any additional administrative, legal, or engineering services specific to the District such as the cost to prepare and mail notices of the public meeting and hearing.

Miscellaneous/County Fees: This item includes, but is not limited to, any additional administrative costs such as printing or reproductions. The County administration fee is the cost charged to the District by the County for the placement and collection of assessments on the property tax bills.

(Contribution)/Collection Applied from/to District Funds/Reserve Fund: The District Funds/Reserve Fund reflects funds being added or deleted from the District Funds/Reserve Account for the current Fiscal Year. The Reserve Account provides for collection by the District of funds to operate the District from the time period of July 1 (Beginning of the Fiscal Year) through January when the County provides the City with the first installment of assessments collected from the property tax bills.

Other Revenue/General Fund Contribution: This item includes additional funds designated for the District that are not from District assessments. These funds may be from either non-District or District sources including City General Fund Contributions and interest earnings.

Balance to Levy: This is the total amount to be levied on the parcels within the District for the current fiscal year.

B. DISTRICT BUDGETS

The following tables detail the specific budgets for the Original Districts and each District created thereafter:

DISTRICT DESCRIPTION	ORIGINAL DISTRICTS	STONEY MTN	HEARTLAND	PARKHILL	PACIFIC GREEN	ORCHARD
DISTRICT NO.		19-4	19-5	19-PHR	20A	20B
COUNTY FUND NO.	68-2405 (1)(2) & 68-2407 (2)(3)	68-2393	68-2391	68-2408	68-8613	68-8606
CITY ACCOUNT NO.	225-8250, 0113	227-8266, 0108	227-8265, 0107	227-8260, 0101	227-8263, 0104	227-8262, 0103
TRACT/PARCEL MAP NO.	MULTIPLE	TR 29129	TR 28286-9, -10, -11		TR 28555	TR 25168
2013/2014:						
DIRECT EXPENSES						
Street Lighting - Utilities	$390,070	$5,000	$3,500	$19,300	$1,500	$2,200
Labor Costs	31,998	2,070	7,651	3,689	844	1,137
Maintenance and Operations (Total)	69,640	5,910	22,451	9,968	3,094	3,648
Maintenance and Operations (Allocated)	0	3,910	14,451	6,968	1,594	2,148
Maintenance and Operations (District Specific)	69,640	2,000	8,000	3,000	1,500	1,500
Direct Expenses Subtotal	$491,708	$12,980	$33,602	$32,957	$5,437	$6,985
ADMINISTRATION EXPENSES						
Personnel/Overhead (Net of Estimated Interest)	$108,160	$549	$1,812	$1,300	$241	$317
Professional Fees (Net of Estimated Interest)	6,600	359	1,185	850	158	207
Miscellaneous/County Fees	8,363	0	0	566	0	0
Administration Expenses Subtotal	$123,123	$908	$2,997	$2,717	$399	$525
COLLECTIONS/(CREDITS) APPLIED TO LEVY						
Total Fiscal Year 2013/2014 Direct and Administrative Expenses	$614,831	$13,888	$36,599	$35,675	$5,836	$7,510
Capital Reserve Collection/(Transfer) - Proposed	0	0	0	0	0	0
Operating Reserve Funds Collection/(Transfer)	$367,467	(13,888)	(36,599)	(4,689)	(5,836)	(7,510)
Other Revenue / General Fund Collection/(Transfer)	0	0	0	0	0	0
Total Adjustments	$367,467	($13,888)	($36,599)	($4,689)	($5,836)	($7,510)
BALANCE TO LEVY FISCAL YEAR 2013/2014:	$982,298	$0	$0	$30,986	$0	$0
DISTRICT STATISTICS						
Total Parcels	16,063	320	1,558	704	161	220
Total Assessable Parcels	15,992	307	1,460	704	161	217
Total Equivalent Benefit Unit (EBU)	1,002,344.85	395.00	1,460.00	704.00	161.00	217.00
2013/2014: Levy Rate per EBU	$0.98	$0.00	$0.00	$44.00	$0.00	$0.00
2013/2014: Maximum Levy Rate per EBU	$0.98	$75.43	$75.43	$67.29	$81.59	$81.59
Total Assessment Allowable	$982,298	$29,796	$110,133	$47,369	$13,136	$17,705
2012/2013: Levy Rate per EBU	$0.98	$0.00	$0.00	$54.36	$0.00	$0.00
2012/2013: Total Levy	$982,338.24	$0.00	$0.00	$38,269.44	$0.00	$0.00
DISTRICT FUNDS:						
Estimated Reserve Fund Beginning Balance 7/1/2013	$339,176	$37,103	$189,111	$30,829	$17,465	$30,494
2013/2014: Reserve Fund Adjustments	367,467	(13,888)	(36,599)	(4,689)	(5,836)	(7,510)
Anticipated Reserve Balance 6/30/2014	706,643	23,215	152,513	26,140	11,629	22,985
Beginning CIP Fund Balance 7/1/2013	$0	$1,110	$1,110	$1,110	$1,110	$1,110
CIP Fund Adjustments	0	0	0	0	0	0
Anticipated CIP Balance 6/30/2014	0	1,110	1,110	1,110	1,110	1,110
Estimated Percentage of Improvements Maintained	100%	100%	100%	100%	100%	100%
HISTORICAL RATES:						
Fiscal Year 2011/12	0.98	N/A	N/A	48.94	N/A	N/A
Fiscal Year 2010/11	$0.98	N/A	N/A	9.12	N/A	N/A
Fiscal Year 2009/10	$0.98	N/A	N/A	N/A	N/A	N/A
Fiscal Year 2008/09	$0.98	59.61	59.61	53.18	57.32	57.32
Fiscal Year 2007/08	$0.98	57.32	57.32	51.13	55.12	55.12
Fiscal Year 2006/07	$0.98	55.12	55.12	49.16	53.00	53.00
Fiscal Year 2005/06	$0.98	53.00	53.00	49.69	N/A	N/A

Notes

(1) Fund Number 68-2405 consists of Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 9-1, 10, 11, 12, 13, 14, 15, 16, 17, 17-1 & 18.

(2) Fund Number 68-2407 consists of Districts 19, 19-1, 19-2, 19-3, 19-6, 19-7 & 19-10.

(3) The levy rates for these Districts are not per EBU/parcel, but are apportioned per Unit of Benefit as defined by each parcel's front footage

(4) Includes Guaranty Bank commercial site, Honor Center for Medical Excellence, Tanya on Brooks, Commercial Center at [illegible]

(5) For the periodic repair/replacement of streetlights and related equipment

(6) There is an allowable 4% inflator applied to Maximum Levy Rate with exception to the Original Districts.

Slight variances due to rounding

DISTRICT DESCRIPTION	N. ANNEXATION	COTTONWOOD	CREAN	MONTANA	WOODCREST	COVENANT
DISTRICT NO.	21	22	23	23-1	23-2B	23-3
COUNTY FUND NO.	68-2412	68-8608	68-2395	68-2397	68-8602	68-8599
CITY ACCOUNT NO.	227-8261, 0102	227-8272, 0135	227-8264, 0106	227-8267, 0109	227-8270, 0133	227-8268, 0131
TRACT/PARCEL MAP NO.		TR 30558, -1 & -2	TR 28581	TR 29674	TR 30689, -1 & 2	TR 29581
2013/2014:						
DIRECT EXPENSES						
Street Lighting - Utilities	$6,600	$6,500	$2,000	$1,000	$5,000	$1,000
Labor Costs	1,389	1,950	692	356	891	288
Maintenance and Operations (Total)	5,123	12,182	3,806	2,173	6,683	2,044
Maintenance and Operations (Allocated)	2,623	3,682	1,306	673	1,683	544
Maintenance and Operations (District Specific)	2,500	8,500	2,500	1,500	5,000	1,500
Direct Expenses Subtotal	$13,112	$20,631	$6,498	$3,529	$12,574	$3,333
ADMINISTRATION EXPENSES						
Personnel/Overhead (Net of Estimated Interest)	$509	$776	$255	$135	$443	$122
Professional Fees (Net of Estimated Interest)	333	507	166	88	289	80
Miscellaneous/County Fees	342	397	275	242	294	235
Administration Expenses Subtotal	$1,184	$1,680	$696	$466	$1,026	$438
COLLECTIONS/(CREDITS) APPLIED TO LEVY						
Total Fiscal Year 2013/2014 Direct and Administrative Expenses	$14,296	$22,312	$7,194	$3,995	$13,600	$3,770
Capital Reserve Collection/(Transfer) - Proposed	0	0	0	0	0	0
Operating Reserve Funds Collection/(Transfer)	(2,520)	(3,983)	813	(789)	(2,995)	(2,746)
Other Revenue / General Fund Collection/(Transfer)	0	0	0	0	0	0
Total Adjustments	($2,520)	($3,983)	$813	($789)	($2,995)	($2,746)
BALANCE TO LEVY FISCAL YEAR 2013/2014:	$11,776	$18,329	$8,007	$3,206	$10,605	$1,024
DISTRICT STATISTICS						
Total Parcels	266	378	137	69	182	56
Total Assessable Parcels	265	372	132	68	170	55
Total Equivalent Benefit Unit (EBU)	265.00	372.00	132.00	68.00	170.00	55.00
2013/2014: Levy Rate per EBU	$44.42	$49.26	$60.64	$47.14	$62.38	$18.62
2013/2014: Maximum Levy Rate per EBU	$79.92	$98.21	$77.86	$75.43	$111.02	$99.18
Total Assessment Allowable	$21,180	$36,534	$10,277	$5,129	$18,873	$5,455
2012/2013: Levy Rate per EBU	$50.16	$49.56	$9.00	$15.38	$47.84	$10.88
2012/2013: Total Levy	$13,292.40	$18,436.32	$1,188.00	$1,045.84	$8,132.80	$598.40
DISTRICT FUNDS:						
Estimated Reserve Fund Beginning Balance 7/1/2013	$11,904	$19,591	$2,992	$2,448	$11,765	$4,209
2013/2014: Reserve Fund Adjustments	(2,520)	(3,983)	813	(789)	(2,995)	(2,746)
Anticipated Reserve Balance 6/30/2014	9,384	15,608	3,805	1,658	8,770	1,463
Beginning CIP Fund Balance 7/1/2013	$1,110	$1,110	$1,110	$1,110	$1,110	$1,110
CIP Fund Adjustments	0	0	0	0	0	0
Anticipated CIP Balance 6/30/2014	1,110	1,110	1,110	1,110	1,110	1,110
Estimated Percentage of Improvements Maintained	100%	100%	100%	100%	100%	100%
HISTORICAL RATES:						
Fiscal Year 2011/12	42.40	56.84	N/A	N/A	62.90	58.30
Fiscal Year 2010/11	18.97	7.74	N/A	N/A	20.29	N/A
Fiscal Year 2009/10	N/A	N/A	N/A	N/A	47.78	N/A
Fiscal Year 2008/09	56.14	74.63	59.16	62.00	87.73	78.37
Fiscal Year 2007/08	54.00	71.76	56.89	57.32	84.36	75.36
Fiscal Year 2006/07	51.92	69.00	54.70	55.12	81.12	72.47
Fiscal Year 2005/06	51.92	71.76	52.60	53.00	81.12	69.68

Notes

(1) Fund Number 68-2405 consists of Districts 1, 2, 3, 4, 5 ,6 ,7 ,8 ,9, 9-1, 10, 11, 12, 13, 14, 15, 16, 17, 17-1 & 18.

(2) Fund Number 68-2407 consists of Districts 19, 19-1, 19-2, 19-3, 19-6, 19-7 & 19-10.

(3) The levy rates for these Districts are not per EBU/parcel, but are apportioned per Unit of Benefit as defined by each parcel's front footage.

(4) Includes Guaranty Bank commercial site, Hemet Center for Medical Excellence, Tanya on Broadway, Commercial Center at

(5) For the periodic repair/replacement of streetlights and related equipment

(6) There is an allowable 4% inflator applied to Maximum Levy Rate with exception to the Original Districts.

Slight variances due to rounding

DISTRICT DESCRIPTION	AUTUMN RIDGE	MENLO ESTATES	MENLO ESTATES II	KALPESH A&B	FLOWERWOOD	WILLOWALK
DISTRICT NO.	23-4	23-5	23-5B	24	25	26
COUNTY FUND NO.	68-8615	68-8617	68-8619	68-8610	68-8621	68-8623
CITY ACCOUNT NO.	227-8276, 0138	227-8277, 0139	227-8278, 0140	227-8273, 0136	227-8279, 0150	227-,8280, 0151
TRACT/PARCEL MAP NO.	TR 30506, 33705	TR 28558	TR 31295	TR 30869; 30969	TR 30158	TR 30041
2013/2014:						
DIRECT EXPENSES						
Street Lighting - Utilities	$1,500	$2,000	$2,000	$800	$1,000	$7,500
Labor Costs	1,226	398	393	257	372	2,238
Maintenance and Operations (Total)	7,316	2,252	2,242	1,985	2,203	15,226
Maintenance and Operations (Allocated)	2,316	752	742	485	703	4,226
Maintenance and Operations (District Specific)	5,000	1,500	1,500	1,500	1,500	11,000
Direct Expenses Subtotal	$10,042	$4,651	$4,635	$2,842	$3,575	$24,964
ADMINISTRATION EXPENSES						
Personnel/Overhead (Net of Estimated Interest)	$414	$171	$169	$107	$141	$932
Professional Fees (Net of Estimated Interest)	270	112	111	70	92	610
Miscellaneous/County Fees	327	246	246	0	0	0
Administration Expenses Subtotal	$1,011	$529	$526	$177	$232	$1,542
COLLECTIONS/(CREDITS) APPLIED TO LEVY						
Total Fiscal Year 2013/2014 Direct and Administrative Expenses	$11,053	$5,179	$5,161	$3,019	$3,807	$26,506
Capital Reserve Collection/(Transfer) - Proposed	0	0	0	0	0	0
Operating Reserve Funds Collection/(Transfer)	(6,021)	(3,200)	(4,464)	(3,019)	(3,807)	(26,506)
Other Revenue / General Fund Collection/(Transfer)	0	0	0	0	0	0
Total Adjustments	($6,021)	($3,200)	($4,464)	($3,019)	($3,807)	($26,506)
BALANCE TO LEVY FISCAL YEAR 2013/2014:	$5,032	$1,979	$696	$0	$0	$0
DISTRICT STATISTICS						
Total Parcels	247	79	76	53	77	451
Total Assessable Parcels	234	76	75	49	71	427
Total Equivalent Benefit Unit (EBU)	234.00	76.00	75.00	49.00	71.00	427.00
2013/2014: Levy Rate per EBU	$21.50	$26.04	$9.28	$0.00	$0.00	$0.00
2013/2014: Maximum Levy Rate per EBU	$85.40	$99.63	$73.98	$130.94	$109.49	$109.49
Total Assessment Allowable	$19,983	$7,572	$5,549	$6,416	$7,773	$46,750
2012/2013: Levy Rate per EBU	$17.22	$36.72	$0.00	$23.64	$0.00	$0.00
2012/2013: Total Levy	$4,029.48	$2,790.72	$0.00	$1,158.36	$0.00	$0.00
DISTRICT FUNDS:						
Estimated Reserve Fund Beginning Balance 7/1/2013	$12,683	$5,822	$7,164	$4,669	$8,257	$59,033
2013/2014: Reserve Fund Adjustments	(6,021)	(3,200)	(4,464)	(3,019)	(3,807)	(26,506)
Anticipated Reserve Balance 6/30/2014	6,662	2,622	2,700	1,651	4,450	32,527
Beginning CIP Fund Balance 7/1/2013	$1,110	$1,110	$740	$1,110	$1,110	$1,110
CIP Fund Adjustments	0	0	0	0	0	0
Anticipated CIP Balance 6/30/2014	1,110	1,110	740	1,110	1,110	1,110
Estimated Percentage of Improvements Maintained	100%	100%	100%	100%	100%	100%
HISTORICAL RATES:						
Fiscal Year 2011/12	36.18	69.76	34.26	N/A	11.84	0
Fiscal Year 2010/11	3.28	49.49	64.92	N/A	N/A	N/A
Fiscal Year 2009/10	N/A	37.95	N/A	N/A	30.51	N/A
Fiscal Year 2008/09	64.90	75.71	60.81	107.62	86.53	86.53
Fiscal Year 2007/08	62.40	72.80	56.22	103.48	83.20	83.20
Fiscal Year 2006/07	60.00	70.00	54.06	99.51	80.00	80.00
Fiscal Year 2005/06	N/A	N/A	N/A	95.68	N/A	N/A

Notes

(1) Fund Number 68-2405 consists of Districts 1, 2, 3, 4, 5 ,6 ,7 ,8 ,9, 9-1, 10, 11, 12, 13, 14, 15, 16, 17, 17-1 & 18.

(2) Fund Number 68-2407 consists of Districts 19, 19-1, 19-2, 19-3, 19-6, 19-7 & 19-10.

(3) The levy rates for these Districts are not per EBU/parcel, but are apportioned per Unit of Benefit as defined by each parcel's front footage.

(4) Includes Community Bank commercial site, Hensel Center for Medical Excellence, Tanya on Broadway, Commercial Center at

(5) For the periodic repair/replacement of streetlights and related equipment

(6) There is an allowable 4% inflator applied to Maximum Levy Rate with exception to the Original Districts

Slight variances due to rounding

DISTRICT DESCRIPTION	DURANGO	PEPPERTREE	HORSESHOE	HIDEAWAY	ENCLAVE	McSWEENEY
DISTRICT NO.	27	29	31	33	35	36
COUNTY FUND NO.	68-8625	68-8633	68-8626	68-8635	68-8627	68-8637
CITY ACCOUNT NO.	227-8281, 0152	227-8286, 0157	227-8282, 0153	227-8287, 0158	227-8283, 0159	227-8288, 0159
TRACT/PARCEL MAP NO.	TR 31576	TR 29843	TR 32131	TR 24147-1, 31796 (4)	TR 30724	TR 32717, 32717-1, -2, -3, -4, -5, -6, & 32529
2013/2014:						
DIRECT EXPENSES						
Street Lighting - Utilities	$200	$1,000	$200	$0	$800	$3,500
Labor Costs	79	239	21	0	84	1,625
Maintenance and Operations (Total)	448	1,951	140	0	658	10,568
Maintenance and Operations (Allocated)	148	451	40	0	158	3,068
Maintenance and Operations (District Specific)	300	1,500	100	0	500	7,500
Direct Expenses Subtotal	$727	$3,190	$361	$0	$1,542	$15,693
ADMINISTRATION EXPENSES						
Personnel/Overhead (Net of Estimated Interest)	$28	$25	$12	$0	$51	$614
Professional Fees (Net of Estimated Interest)	19	167	8	76	33	402
Miscellaneous/County Fees	0	0	209	0	216	365
Administration Expenses Subtotal	$47	$192	$229	$76	$299	$1,382
COLLECTIONS/(CREDITS) APPLIED TO LEVY						
Total Fiscal Year 2013/2014 Direct and Administrative Expenses	$774	$3,382	$590	$76	$1,842	$17,074
Capital Reserve Collection/(Transfer) - Proposed	0	0	0	0	0	0
Operating Reserve Funds Collection/(Transfer)	(774)	(3,382)	(146)	(76)	(1,092)	(11,105)
Other Revenue / General Fund Collection/(Transfer)	0	0	0	0	0	0
Total Adjustments	($774)	($3,382)	($146)	($76)	($1,092)	($11,105)
BALANCE TO LEVY FISCAL YEAR 2013/2014:	$0	$0	$444	$0	$750	$5,970
DISTRICT STATISTICS						
Total Parcels	15	226	4	196	16	333
Total Assessable Parcels	15	197	4	193	16	310
Total Equivalent Benefit Unit (EBU)	15.00	456.00	4.00	193.00	16.00	310.00
2013/2014: Levy Rate per EBU	$0.00	$0.00	$110.90	$0.00	$46.84	$19.24
2013/2014: Maximum Levy Rate per EBU	$91.11	$12.21	$110.91	$86.42	$167.65	$105.67
Total Assessment Allowable	$1,367	$5,569	$444	$16,679	$2,682	$32,757
2012/2013: Levy Rate per EBU	$0.00	$8.24	$0.00	$0.00	$0.00	$0.00
2012/2013: Total Levy	$0.00	$3,757.44	$0.00	$0.00	$0.00	$0.00
DISTRICT FUNDS:						
Estimated Reserve Fund Beginning Balance 7/1/2013	$1,526	$25,330	$505	$12,901	$1,950	$21,378
2013/2014: Reserve Fund Adjustments	(774)	(3,382)	(146)	(76)	(1,092)	(11,105)
Anticipated Reserve Balance 6/30/2014	752	21,947	358	12,825	858	10,273
Beginning CIP Fund Balance 7/1/2013	$1,110	$0	$0	$0	$0	$1,110
CIP Fund Adjustments	0	0	0	0	0	0
Anticipated CIP Balance 6/30/2014	1,110	0	0	0	0	1,110
Estimated Percentage of Improvements Maintained	100%	10%	100%	0%	100%	100%
HISTORICAL RATES:						
Fiscal Year 2011/12	N/A	11.28	N/A	N/A	62.96	N/A
Fiscal Year 2010/11	N/A	10.86	N/A	N/A	N/A	N/A
Fiscal Year 2009/10	28.90	10.44	N/A	N/A	N/A	35.16
Fiscal Year 2008/09	71.99	10.04	91.16	65.67	132.50	80.30
Fiscal Year 2007/08	69.22	N/A	84.28	N/A	127.40	N/A
Fiscal Year 2006/07	66.57	N/A	81.04	N/A	N/A	N/A
Fiscal Year 2005/06	N/A	N/A	N/A	N/A	N/A	N/A

Notes

(1) Fund Number 68-2405 consists of Districts 1, 2, 3, 4, 5 ,6 ,7 ,8 ,9, 9-1, 10, 11, 12, 13, 14, 15, 16, 17, 17-1 & 18.

(2) Fund Number 68-2407 consists of Districts 19, 19-1, 19-2, 19-3, 19-6, 19-7 & 19-10.

(3) The levy rates for these Districts are not per EBU/parcel, but are apportioned per Unit of Benefit as defined by each parcel's front footage.

(4) Includes Guaranty Bank commercial site, Hemet Center for Medical Excellence, Tanya on Broadway, Commercial Center at

(5) For the periodic repair/ replacement of streetlights and related equipment

(6) There is an allowable 4% inflator applied to Maximum Levy Rate with exception to the Original Districts.

Slight variances due to rounding

DISTRICT DESCRIPTION	MONTERO	SV INVESTMENTS	EMERSON	PALOMINO	VILLA DE MADRID	RANCHO DIAMONTE
DISTRICT NO.	37	39	42	43	46	47
COUNTY FUND NO.	68-8604	68-8631	68-8639	68-8629	68-8644	68-8645
CITY ACCOUNT NO.	227-8271, 0134	227-8284, 0155	227-8289, 0170	227-8285, 0156	227-8291, 0172	227-8292, 0173
TRACT/PARCEL MAP NO.	TR 31146	TR 32359	TR 31970	TR 31280	TR 33707	TR 31807, 31807-1, 31808, 31808-1, & 31808-2
2013/2014:						
DIRECT EXPENSES						
Street Lighting - Utilities	$2,000	$300	$3,000	$200	$1,000	$1,500
Labor Costs	445	37	524	88	0	751
Maintenance and Operations (Total)	3,341	269	2,490	429	1,470	2,918
Maintenance and Operations (Allocated)	841	69	990	129	970	1,418
Maintenance and Operations (District Specific)	2,500	200	1,500	300	500	1,500
Direct Expenses Subtotal	$5,787	$506	$6,014	$697	$2,470	$5,169
ADMINISTRATION EXPENSES						
Personnel/Overhead (Net of Estimated Interest)	$208	$20	$222	$27	$90	$113
Professional Fees (Net of Estimated Interest)	136	13	145	18	59	297
Miscellaneous/County Fees	251	211	258	214	216	0
Administration Expenses Subtotal	$594	$245	$626	$258	$365	$410
COLLECTIONS/(CREDITS) APPLIED TO LEVY						
Total Fiscal Year 2013/2014 Direct and Administrative Expenses	$6,381	$851	$6,640	$955	$2,835	$5,579
Capital Reserve Collection/(Transfer) - Proposed	0	0	0	0	0	0
Operating Reserve Funds Collection/(Transfer)	673	(671)	(2,976)	(409)	(1,245)	(5,579)
Other Revenue / General Fund Collection/(Transfer)	0	0	0	0	0	0
Total Adjustments	$673	($671)	($2,976)	($409)	($1,245)	($5,579)
BALANCE TO LEVY FISCAL YEAR 2013/2014:	$7,054	$180	$3,664	$546	$1,590	$0
DISTRICT STATISTICS						
Total Parcels	90	7	104	14	21	515
Total Assessable Parcels	85	7	100	13	17	494
Total Equivalent Benefit Unit (EBU)	85.00	7.00	100.00	13.00	98.00	573.00
2013/2014: Levy Rate per EBU	$82.98	$25.66	$36.62	$42.00	$16.22	$0.00
2013/2014: Maximum Levy Rate per EBU	$87.34	$130.55	$103.88	$81.59	$16.23	$98.52
Total Assessment Allowable	$7,424	$914	$10,388	$1,061	$1,590	$56,451
2012/2013: Levy Rate per EBU	$8.36	$52.84	$0.00	$0.00	$15.60	$0.00
2012/2013: Total Levy	$710.60	$369.88	$0.00	$0.00	$1,528.80	$0.00
DISTRICT FUNDS:						
Estimated Reserve Fund Beginning Balance 7/1/2013	$76	$1,275	$6,292	$1,046	$1,112	$37,885
2013/2014: Reserve Fund Adjustments	673	(671)	(2,976)	(409)	(1,245)	(5,579)
Anticipated Reserve Balance 6/30/2014	750	604	3,316	637	(133)	32,306
Beginning CIP Fund Balance 7/1/2013	$1,110	$0	$1,110	$0	$0	$1,110
CIP Fund Adjustments	0	0	0	0	0	0
Anticipated CIP Balance 6/30/2014	1,110	0	1,110	0	0	1,110
Estimated Percentage of Improvements Maintained	100%	100%	100%	100%	100%	25%
HISTORICAL RATES:						
Fiscal Year 2011/12	3.34	120.70	N/A	75.42	8.34	N/A
Fiscal Year 2010/11	N/A	64.71	10.58	33.20	N/A	N/A
Fiscal Year 2009/10	N/A	111.60	68.13	N/A	N/A	N/A
Fiscal Year 2008/09	66.37	107.31	78.94	67.06	13.34	77.86
Fiscal Year 2007/08	63.82	99.21	N/A	62.00	N/A	N/A
Fiscal Year 2006/07	N/A	N/A	N/A	N/A	N/A	N/A
Fiscal Year 2005/06	N/A	N/A	N/A	N/A	N/A	N/A
					Undeveloped	

Notes

(1) Fund Number 68-2405 consists of Districts 1, 2, 3, 4, 5 ,6 ,7 ,8 ,9, 9-1, 10, 11, 12, 13, 14, 15, 16, 17, 17-1 & 18.

(2) Fund Number 68-2407 consists of Districts 19, 19-1, 19-2, 19-3, 19-6, 19-7 & 19-10.

(3) The levy rates for these Districts are not per EBU/parcel, but are apportioned per Unit of Benefit as defined by each parcel's front footage.

(4) Includes Guaranty Bank commercial site, Hemet Center for Medical Excellence, Tanya on Broadway, Commercial Center at

(5) For the periodic repair/ replacement of streetlights and related equipment

(6) There is an allowable 4% inflation applied to Maximum Levy Rate with exception to the Original Districts.

Slight variances due to rounding

DISTRICT DESCRIPTION	CLEAN STREAK & ESPLANADE	GUARANTY, PROMENADE, SANDERSON & DEVONSHIRE	SALVATION ARMY	SEVEN HILLS	PRINCE of PEACE
DISTRICT NO.	49	50	51	52	53
COUNTY FUND NO.	68-8647	68-8648	68-8649	68-8651	68-8654
CITY ACCOUNT NO.	227-8293,	227-8294	227-8295, 0176	No GL assigned yet	No GL assigned yet
TRACT/PARCEL MAP NO.	Clean Streak Car Wash & Esplanade Commercial Site	Commercial Development [4]	Commercial Development [4]	Senior Apts.	Church
2013/2014:					
DIRECT EXPENSES					
Street Lighting - Utilities	$0	$2,000	$1,000	$0	$0
Labor Costs	0	3,137	133	133	133
Maintenance and Operations (Total)	0	10,924	1,751	251	251
Maintenance and Operations (Allocated)	0	5,924	251	251	251
Maintenance and Operations (District Specific)	0	5,000	1,500	0	0
Direct Expenses Subtotal	$0	$16,061	$2,884	$384	$384
ADMINISTRATION EXPENSES					
Personnel/Overhead (Net of Estimated Interest)	$0	$2,425	$360	$325	$291
Professional Fees (Net of Estimated Interest)	115	1,585	235	213	191
Miscellaneous/County Fees	0	116	0	106	104
Administration Expenses Subtotal	$115	$4,126	$595	$643	$586
COLLECTIONS/(CREDITS) APPLIED TO LEVY					
Total Fiscal Year 2013/2014 Direct and Administrative Expenses	$115	$20,187	$3,479	$1,028	$970
Capital Reserve Collection/(Transfer) - Proposed	0	0	0	0	0
Operating Reserve Funds Collection/(Transfer)	(115)	4,282	(3,479)	400	2,107
Other Revenue / General Fund Collection/(Transfer)		0	0	0	0
Total Adjustments	($115)	$4,282	($3,479)	$400	$2,107
BALANCE TO LEVY FISCAL YEAR 2013/2014:	$0	$24,469	$0	$1,428	$3,078
DISTRICT STATISTICS					
Total Parcels	3	25	1	4	1
Total Assessable Parcels	3	25	1	4	1
Total Equivalent Benefit Unit (EBU)	1,158.00	13,145.05	1,870.46	2,073.83	1,859.72
2013/2014: Levy Rate per EBU	$0.00	$1.86	$0.00	$0.68	$1.64
2013/2014: Maximum Levy Rate per EBU	$1.86	$1.86	$1.65	$1.59	$1.65
Total Assessment Allowable	$2,156	$24,469	$3,095	$3,300	$3,078
2012/2013: Levy Rate per EBU	$0.00	$0.70	$0.00	$1.53	$0.00
2012/2013: Total Levy	$0.00	$9,201.36	$0.00	$3,172.94	$0.00
DISTRICT FUNDS:					
Estimated Reserve Fund Beginning Balance 7/1/2013	$1,207	$4,153	$29,330	$602	($2,250)
2013/2014: Reserve Fund Adjustments	(115)	4,282	(3,479)	400	2,107
Anticipated Reserve Balance 6/30/2014	1,092	8,435	25,851	1,002	(143)
Beginning CIP Fund Balance 7/1/2013	$0	$740	$0	$0	$0
CIP Fund Adjustments	0	0	0	0	0
Anticipated CIP Balance 6/30/2014	0	740	0	0	0
Estimated Percentage of Improvements Maintained	0%	100%	100%	100%	100%
HISTORICAL RATES:					
Fiscal Year 2011/12	N/A	N/A		N/A	N/A
Fiscal Year 2010/11	1.65	1.26	N/A	N/A	N/A
Fiscal Year 2009/10	N/A	N/A	N/A	N/A	N/A
Fiscal Year 2008/09	N/A	N/A	N/A	N/A	N/A
Fiscal Year 2007/08	N/A	N/A	N/A	N/A	N/A
Fiscal Year 2006/07	N/A	N/A	N/A	N/A	N/A
Fiscal Year 2005/06	N/A	N/A	N/A	N/A	N/A

Notes

(1) Fund Number 68-2405 consists of Districts 1, 2, 3, 4, 5 ,6 ,7 ,8 ,9, 9-1, 10, 11, 12, 13, 14, 15, 16, 17, 17-1 & 18.

(2) Fund Number 68-2407 consists of Districts 19, 19-1, 19-2, 19-3, 19-6, 19-7 & 19-10

(3) The levy rates for these Districts are not per EBU/parcel, but are apportioned per Unit of Benefit as defined by each parcel's front footage.

(4) Includes Guaranty Bank commercial site, Honor Center for Medical Excellence, Tanya on Broadway, Commercial Center at

(5) For the periodic repair/replacement of streetlights and related equipment

(6) There is an allowable 4% inflator applied to Maximum Levy Rate with exception to the Original Districts.

Slight variances due to rounding

DISTRICT DESCRIPTION DISTRICT NO. COUNTY FUND NO. CITY ACCOUNT NO. TRACT/PARCEL MAP NO.	HABITAT FOR HUMANITY 54 68-8656 227-8297, 0178	SAHARA / OASIS SENIOR VILLAS 55 68-8658 227-0179 Commercial Development [4]	TOTAL
2013/2014:			
DIRECT EXPENSES			
Street Lighting - Utilities	$500	$500	$475,970
Labor Costs	3,072	130	$68,450
Maintenance and Operations (Total)	6,302	746	$222,855
Maintenance and Operations (Allocated)	5,802	246	$69,815
Maintenance and Operations (District Specific)	500	500	$153,040
Direct Expenses Subtotal	$9,875	$1,377	$767,276
ADMINISTRATION EXPENSES			
Personnel/Overhead (Net of Estimated Interest)	$355	$306	$122,027
Professional Fees (Net of Estimated Interest)	232	200	$16,230
Miscellaneous/County Fees	107	105	$14,012
Administration Expenses Subtotal	$694	$611	$152,269
COLLECTIONS/(CREDITS) APPLIED TO LEVY			
Total Fiscal Year 2013/2014 Direct and Administrative Expenses	$10,569	$1,988	$919,544
Capital Reserve Collection/(Transfer) - Proposed	0	0	$0
Operating Reserve Funds Collection/(Transfer)	(9,599)	587	$207,111
Other Revenue / General Fund Collection/(Transfer)		0	$0
Total Adjustments	($9,599)	$587	$207,111
BALANCE TO LEVY FISCAL YEAR 2013/2014:	$970	$2,576	$1,126,655
DISTRICT STATISTICS			
Total Parcels	6	2	22,660
Total Assessable Parcels	6	2	22,328
Total Equivalent Benefit Unit (EBU)	586.21	1,780.08	1,031,619.20
2013/2014: Levy Rate per EBU	$1.64	$1.44	
2013/2014: Maximum Levy Rate per EBU	$1.65	$1.65	
Total Assessment Allowable	$970	$2,946	$1,569,266
2012/2013: Levy Rate per EBU	$1.06	$0.00	
2012/2013: Total Levy	$621.34	$0.00	$1,090,642.36
DISTRICT FUNDS:			
			$0
Estimated Reserve Fund Beginning Balance 7/1/2013	($1,482)	($2,976)	
2013/2014: Reserve Fund Adjustments	(9,599)	587	
Anticipated Reserve Balance 6/30/2014	(11,081)	(2,388)	
Beginning CIP Fund Balance 7/1/2013	$0	$0	$24,790
CIP Fund Adjustments	0	0	$0
Anticipated CIP Balance 6/30/2014	0	0	$24,790
Estimated Percentage of Improvements Maintained	100%	100%	
HISTORICAL RATES:			
Fiscal Year 2011/12			
Fiscal Year 2010/11	N/A	N/A	
Fiscal Year 2009/10	N/A	N/A	
Fiscal Year 2008/09	N/A	N/A	
Fiscal Year 2007/08	N/A	N/A	
Fiscal Year 2006/07	N/A	N/A	
Fiscal Year 2005/06	N/A	N/A	

Notes

(1) Fund Number 68-2405 consists of Districts 1, 2, 3, 4, 5 ,6 ,7 ,8 ,9, 9-1, 10, 11, 12, 13, 14, 15, 16, 17, 17-1 & 18.

(2) Fund Number 68-2407 consists of Districts 19, 19-1, 19-2, 19-3, 19-6, 19-7 & 19-10.

(3) The levy rates for these Districts are not per EBU/parcel, but are apportioned per Unit of Benefit as defined by each parcel's front footage

(4) Includes Guaranty Bank commercial site, Hemet Center for Medical Excellence, Tamra on Broadway, Commercial Center at

(5) For the periodic repair/replacement of streetlights and related equipment

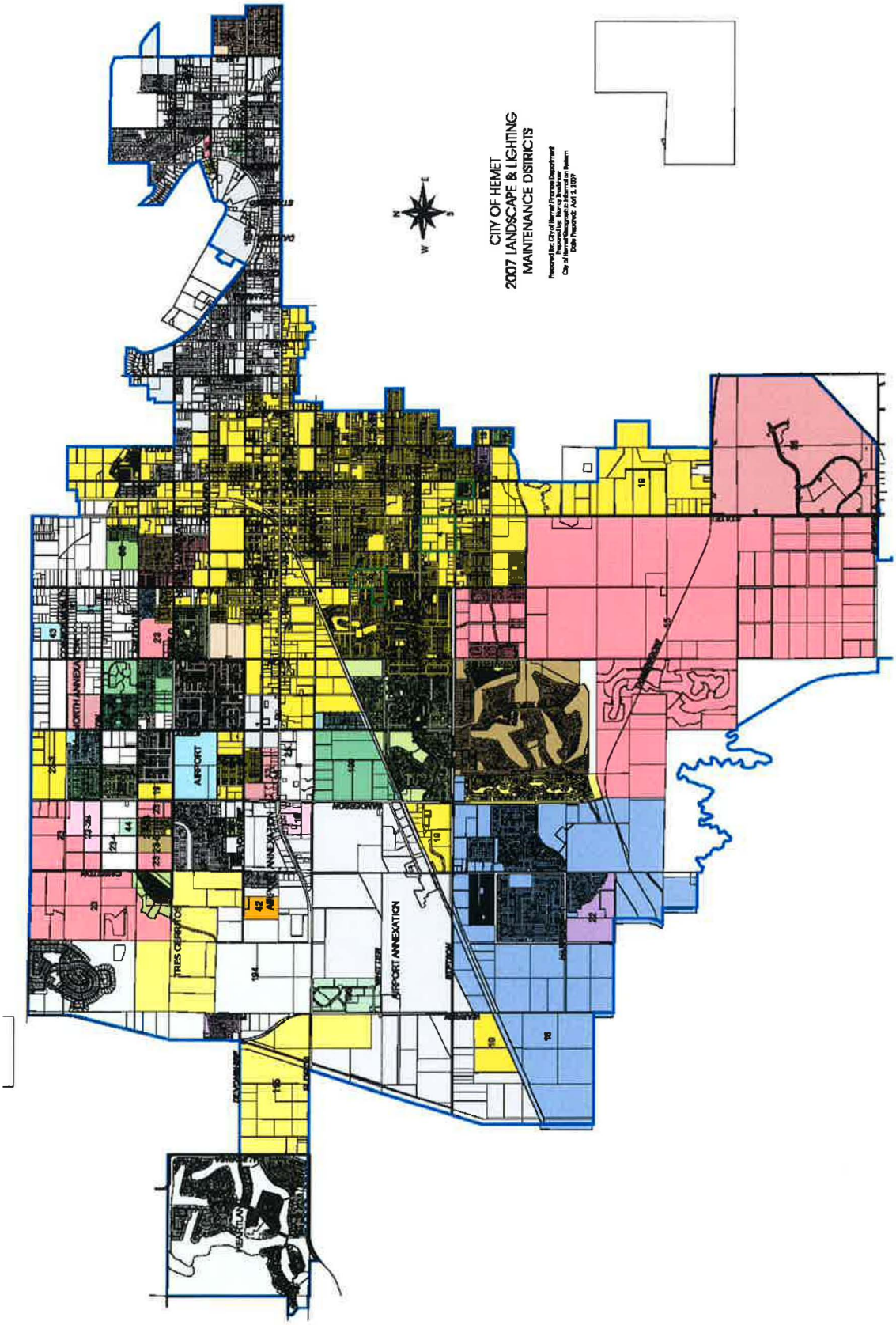
(6) There is an allowable 4% inflator applied to Maximum Levy Rate with exception to the Original Districts.

Slight variances due to rounding

APPENDIX A

DISTRICT ASSESSMENT DIAGRAMS

For general reference purposes, a rendering of the Districts' boundaries is presented herein. More detailed District Diagrams are on file with the City Engineer and made part of this report by reference. The lines and dimensions of each lot or parcel within the Districts are those lines and dimensions shown on the maps of the Assessor of the County of Riverside, for the year when this Report was prepared, and are incorporated by reference herein and made part of this Report.


CITY OF HEMET
2007 LANDSCAPE & LIGHTING
MAINTENANCE DISTRICTS
Prepared for: City of Hemet Finance Department
Prepared by: Nancy Buckner
City of Hemet Geographic Information System
Date Prepared: April 3, 2007
N
E
S
W
AIRPORT
AIRPORT ANNEXATION
NORTH ANNEXATION
TRES CERVITOS
ROSEBOWL
WINCHESTER
HEMET LAKE

APPENDIX B

2013/2014 ASSESSMENT ROLL

Parcel identification, for each lot or parcel within the District, shall be the parcel as shown on the Riverside County Assessor's map for the year in which this Report is prepared. The land use classification for each parcel is based on the Riverside County Assessor's Roll. A listing of parcels assessed within this District, along with the proposed assessment amounts, shall be submitted to the City Clerk, under a separate cover, and by reference is made part of this Report.

Non-assessable lots or parcels may include areas of public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas and rights-of-ways including public greenbelts and parkways; utility rights-of-ways; common areas; landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment. Properties outside the District boundary receive no direct or special benefits from the improvements provided by the District and are not assessed.

Approval of this Report (as submitted or as modified) confirms the method of apportionment and the maximum assessment rate to be levied against each eligible parcel and thereby constitutes the approved levy and collection of assessments for the fiscal year. The parcels and the amount of assessment to be levied shall be submitted to the County Auditor/Controller and included on the property tax roll for the fiscal year.

If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amount applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

AGENDA # 10

Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Rita Conrad, Deputy City Manager/Administrative Services
Ronald E. Bradley, Interim City Manager

DATE: June 25, 2013

RE: Resolution of the City Council of the City of Hemet initiating proceedings for the annual levy of assessments for existing Landscape Maintenance Districts for Fiscal Year 2013-2014.

RECOMMENDATION:
It is recommended that the City Council approve the resolution initiating proceedings and ordering the Report of the Engineer in connection with the annual levy of assessments for the existing citywide landscape maintenance districts and the levy and collection of assessments within such districts for fiscal year 2013-2014, and designate Willdan Financial Services as the Engineer for the purpose of these proceedings.

BACKGROUND:
Willdan Financial Services has previously prepared the assessment engineering report in connection with the annual levy of assessments for the existing citywide landscape maintenance district. The assessments against the lots and parcels of land within the assessment district will pay for the operation, maintenance and servicing of ornamental structures, landscaping, including trees, shrubs, grass and other ornamental vegetation, and appurtenant facilities, including irrigation systems, drainage devices and drywells located in public places within district boundaries.

FISCAL IMPACT:
The consultant fee for the full administration in connection with the annual levy of assessments for the existing landscape maintenance district is $15,000. This fee will be split between Fund 225 L&LMD original districts, and Fund 227 Post Prop-218 districts. The funds are budgeted in the account #225-8250-2710 and #227-8250-2710.

Respectfully submitted,

Rita Conrad

Rita Conrad
Deputy City Manager/Administrative Services

Attachment: Resolution Bill No. 13-025

CITY OF HEMET
Hemet, California
RESOLUTION BILL NO. 13-025

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS FOR THE EXISTING LANDSCAPE MAINTENANCE DISTRICTS FOR FISCAL YEAR 2013/2014.

The City Council of the City of Hemet (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, The City Council of the City of Hemet, California has, by previous Resolutions, formed the Districts known and designated as the Landscape Maintenance Districts (hereafter referred to as the "Districts") pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the "Act"), that provides for levy and collection of assessments by the County of Riverside for the City of Hemet to pay the maintenance and services of landscaping and all appurtenant facilities and operations related thereto; and,

WHEREAS, the City Council has appointed Willdan Financial Services for the purpose of assisting with the annual levy of the Districts, and to prepare and file a report with the City Clerk in accordance with the Act.

THE CITY COUNCIL OF THE CITY OF HEMET FINDS, DETERMINES, ORDERS AND RESOLVES AS FOLLOWS:

Section 1. The City Council hereby orders Willdan Financial Services to prepare the Consolidated Engineer's Report concerning the levy of assessments for the Districts in accordance with Chapter 3, Section 22622 of the Act.

Section 2. The general location and boundaries of the existing Districts are shown on maps on file in the office of the City Clerk, open to public inspection, and by reference are made part of this resolution. The Districts are designated as: "Hemet Landscape Maintenance Districts."

Section 3. The improvements within the Districts include but are not limited to: the operation, maintenance and servicing of ornamental structures, landscaping, including trees, shrubs, grass and other ornamental vegetation, and appurtenant facilities, including irrigation systems, drainage devices and drywells located in public places within the boundaries of the Districts. Maintenance refers to the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the ornamental structures, landscaping and appurtenant facilities, including repair, removal or replacement of all or part of any of the ornamental structures, landscaping or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and

treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; and the cleaning, sandblasting and painting of walls and other improvements to remove or cover graffiti. Servicing refers to the furnishing of electricity for the irrigation and operation of the ornamental structures, landscaping, and appurtenant facilities, and water for the irrigation and control of the landscaping and the maintenance of any of the ornamental structures, landscaping and appurtenant facilities.

Section 4. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of said City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council of said City, in the minutes of the meeting at which Resolution is passed and adopted.

PASSED, APPROVED, AND ADOPTED this 25th day of June, 2013.

Robert Youssef, Mayor

ATTEST:

Sarah McComas, City Clerk

APPROVED AS TO FORM:

Eric S. Vail, City Attorney

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Resolution is the actual Resolution adopted by the City Council of the City of Hemet and was passed at a regular meeting of the City Council on the 25th day of June, 2013 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Sarah McComas, City Clerk

AGENDA # 11

Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Rita Conrad, Deputy City Manager/Administrative Services
Ronald E. Bradley, Interim City Manager

DATE: June 25, 2013

RE: Resolution of the City Council of the City of Hemet declaring its intention for the levy and collection of assessments, preliminarily approving the engineer's report, and appointing a time and place for hearing protests for the existing Landscape Maintenance Districts for Fiscal Year 2013-2014.

RECOMMENDATION:
It is recommended that the City Council approve the resolution of intention to order the annual levy of assessments for the existing citywide landscape maintenance district and to levy and collect assessments within such districts for fiscal year 2013-2014; preliminarily approving the engineer's report and appointing July 9, 2013 for hearing protests.

BACKGROUND:
By its previous action the City Council approved Resolution 13-025 initiating proceedings and ordering the engineer's report in connection with the annual levy of assessments for the existing citywide landscape maintenance district for fiscal year 2013-2014. The assessments against the lots and parcels of land within the assessment district will pay for the operation, maintenance and servicing of streetlights and appurtenant structures, landscaping, including trees, shrubs, grass and other ornamental vegetation, and appurtenant facilities, including irrigation systems, drainage devices and drywells located in public places within district boundaries.

ANALYSIS:
The assessment engineer's report has been prepared and is on file with the City Clerk. A public notice will be published in the Press Enterprise regarding the proposed annual landscape assessment rates for fiscal year 2013-2014.

FISCAL IMPACT:
The total proposed citywide landscape maintenance district assessment for the fiscal year 2013-2014 is $1,802,151.

Respectfully submitted,

Rita Conrad

Rita Conrad
Deputy City Manager/Administrative Services

Attachment: Resolution Bill No. 13-026

CITY OF HEMET
Hemet, California
RESOLUTION BILL NO. 13-026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, FOR DECLARING ITS INTENTION FOR THE LEVY AND COLLECTION OF ASSESSMENTS, PRELIMINARILY APPROVING THE ENGINEER'S REPORT, AND APPOINTING A TIME AND PLACE FOR HEARING PROTESTS FOR THE EXISTING LANDSCAPE MAINTENANCE DISTRICTS FOR FISCAL YEAR 2013/2014.

The City Council of the City of Hemet, California (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, The City Council has by previous Resolutions formed the Landscape Maintenance Districts (hereafter referred to as the "Districts"), initiated proceedings for Fiscal Year 2013/2014, and ordered the preparation of the Fiscal Year 2013/2014 Consolidated Engineer's Report pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with section 22500)* (hereafter referred to as the "Act") that provides for the levy and collection of assessments by the County of Riverside for the City of Hemet to pay the maintenance and services of all improvements and facilities related thereto; and,

WHEREAS, all assessments for the Districts were previously approved in accordance with the requirements of the California State Constitution, Article XIIID; and,

WHEREAS, the City Council has appointed Willdan Financial Services for the purpose of assisting with the Annual Levy of the Districts, and to prepare and file a Consolidated Engineer's Report with the City Clerk in accordance with the Act; and,

WHEREAS, the Engineer's Report entitled "City of Hemet Consolidated Engineer's Annual Levy Report Landscape Maintenance Districts" for Fiscal Year 2013/2014 has been filed with the City Clerk and presented to the City Council to be approved by the City Council, as required by *Chapter 1, Article 4, Section 22566* and *Chapter 3, Sections 22623* and *22624* of said Act; and,

WHEREAS, this City Council has examined and reviewed the Engineer's Report as presented, and is preliminarily satisfied with the Districts, each and all of the budget items and documents as set forth therein, and is satisfied that the assessments, have been spread in accordance with the special benefits received from the improvements, operation, maintenance and services to be performed within each District, as set forth in said Report.

THE CITY COUNCIL OF THE CITY OF HEMET FINDS, DETERMINES, ORDERS AND RESOLVES AS FOLLOWS:

Section 1. That the above recitals are all true and correct.

Section 2: That the Engineer's Report as presented consists of the following:

a) A Description of Improvements (Plans & Specifications). The improvements within the Districts include but are not limited to: the operation, maintenance and servicing of ornamental structures, landscaping, including trees, shrubs, grass and other ornamental vegetation, and appurtenant facilities, including irrigation systems, drainage devices and drywells located in public places within the boundaries of the Districts. Maintenance refers to the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the ornamental structures, landscaping and appurtenant facilities, including repair, removal or replacement of all or part of any of the ornamental structures, landscaping or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; and the cleaning, sandblasting and painting of walls and other improvements to remove or cover graffiti. Servicing refers to the furnishing of electricity for the irrigation and operation of the ornamental structures, landscaping, and appurtenant facilities, and water for the irrigation and control of the landscaping and the maintenance of any of the ornamental structures, landscaping and appurtenant facilities.

b) The Annual Budget (Costs and Expenses of Services, Operations and Maintenance).

c) A Description of the Method of Apportionment resulting in an Assessment Rate per Unit of Benefit for each said District for Fiscal Year 2013/2014.

d) A citywide diagram showing the exterior boundaries of the Districts. The general location and boundaries of the existing Districts are shown on maps on file in the office of the City Clerk, open to public inspection, and by reference are made part of this resolution. The Districts are designated as: "Hemet Landscape Maintenance Districts."

e) The 2013/2014 Assessment Roll with the proposed assessment apportioned to each lot or parcel.

Section 3. The Engineer's Report is hereby approved on a preliminary basis pending a public hearing, and ordered to be filed in the Office of the City Clerk as a permanent record to remain open to public inspection.

Section 4. The City Council hereby declares its intention to seek the annual levy and collection of assessments within the Districts pursuant to the Act, over and including the land within the District boundaries, and to levy and collect assessments on all such land to pay the annual costs and expenses of the improvements and services described in Section 2 of this Resolution, for Fiscal Year 2013/2014.

Section 5. The proposed district assessments are within the limits previously approved by the property owners. The assessments outlined in the Engineer's Report have not been increased over the maximum rates approved by the property owners, and do not require additional property owner approval in accordance with the requirements of the California Constitution, Articles XIIIC and XIIID.

Section 6. The City Council hereby declares its intention to conduct a Public Hearing concerning the levy of assessments for the Districts in accordance with *Chapter 3, Section 22626* of the Act.

Section 7. The City shall give notice of the time and place of the Public Hearing to all property owners within the Districts by causing the publishing of this Resolution once in a local newspaper not less than ten (10) days before the date of the public hearing, and by posting a copy of this resolution on the official bulletin board customarily used by the Council for the posting of notices.

Section 8. Notice is hereby given that Tuesday, the 9th day of July, 2013 at 7:00 pm, in the Council Chambers of the City of Hemet, 450 East Latham Avenue, Hemet, California 92543, is the time and place fixed for a public hearing by the City Council on the question of the levy and collection of assessments for Fiscal Year 2013/2014 against lots and parcels of land within the Districts. At the hearing, interested persons shall be afforded the opportunity to hear and be heard.

Section 9. The City Clerk is hereby authorized and directed to give notice of such hearing as provided by law.

Section 10. The City Council hereby designates Rita Conrad, telephone number (951) 765-2330, to answer inquiries regarding the hearing, protest proceedings, and procedural or technical matters.

Section 11. Lots or parcels within the Districts that are owned or used by any county, city, city and county, special district or any other local or regional governmental agency, the State of California or the United States shall be assessed unless the City demonstrates by clear and convincing evidence that such lots or parcels receive no special benefit from the proposed improvements.

Section 12. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of said City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council of said City, in the minutes of the meeting shall so reflect the presentation of the Engineer's Report at which Resolution is passed and adopted.

PASSED, APPROVED, AND ADOPTED this 25th day of June, 2013.

Robert Youssef, Mayor

ATTEST:

Sarah McComas, City Clerk

APPROVED AS TO FORM:

Eric S. Vail, City Attorney

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Resolution is the actual Resolution adopted by the City Council of the City of Hemet and was passed at a regular meeting of the City Council on the 25th day of June, 2013 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Sarah McComas, City Clerk

City of Hemet

Landscape Maintenance Districts

2013/2014 Engineer's Annual Levy Report

Intent Meeting: June 25, 2013
Public Hearing: July 9, 2013

27368 Via Industria
Suite 110
Temecula, CA 92590
T 951.587.3500 |
800.755.6864
F 951.587.3510

www.willdan.com/financial

WILLDAN
Financial Services

CONSOLIDATED ENGINEER'S REPORT
AFFIDAVIT

Landscape Maintenance Districts

City of Hemet,
County of Riverside, State of California

This Report describes the Districts and all relevant zones therein including the improvements, budgets, parcels and assessments to be levied for Fiscal Year 2013/2014 as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Riverside County Assessor's maps for a detailed description of the lines and dimensions of parcels within the Districts. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this 11th day of June, 2013.

Willdan Financial Services
Assessment Engineer
On Behalf of the City of Hemet

By: Stacee Reynolds

Stacee Reynolds, Senior Project Manager
District Administration Services

By: Richard Kopecky

Richard Kopecky
R. C. E. # 16742

REGISTERED PROFESSIONAL ENGINEER
RICHARD L. KOPECKY
C 16742
EXP 6-30-13
CIVIL
STATE OF CALIFORNIA

TABLE OF CONTENTS

I. OVERVIEW *1*

A. INTRODUCTION 1
B. HISTORICAL BACKGROUND 1
C. IMPROVEMENTS AUTHORIZED BY THE 1972 ACT 1
D. COMPLIANCE WITH CURRENT LEGISLATION 3

II. PLANS AND SPECIFICATIONS *5*

A. GENERAL IMPROVEMENTS WITHIN THE DISTRICTS 5
B. DISTRICT BOUNDARIES AND OR/LOCATIONS OF IMPROVEMENTS 5

III. METHOD OF ASSESSMENT *12*

A. BENEFIT ANALYSIS 12
B. METHODOLOGY 14
C. ASSESSMENT ADJUSTMENT FACTOR TO OFFSET INFLATION 17

IV. DISTRICT BUDGETS *18*

A. DESCRITION OF BUDGET ITEMS 18
B. DISTRICT BUDGETS 19

V. APPENDIX A – ASSESSMENT DIAGRAM *27*

VI. APPENDIX B – ASSESSMENT ROLL *28*

I. OVERVIEW

A. INTRODUCTION

The City of Hemet ("City") annually levies and collects special assessments in order to fund the maintenance and servicing of street landscaping improvements within the Landscape Maintenance Districts ("Districts"). The Districts were formed and are levied annually pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code ("1972 Act").

This Consolidated Engineer's Annual Levy Report ("Report") describes the Districts and improvements, any proposed changes to the Districts or improvements and the proposed budgets and assessments for Fiscal Year ("FY") 2013/2014. The assessments are based on the City's estimated costs to maintain and service the improvements that provide a special benefit to properties assessed within the respective Districts. The improvements within the Districts and the corresponding costs and the annual levy are budgeted and assessed for each separate District, including all expenditures, deficits, surpluses, revenues, and reserves.

For the purposes of this Report, the word "parcel" refers to an individual property assigned its own Assessor's Parcel Number by the Riverside County ("County") Assessor's Office. The County Auditor/Controller uses Assessor's Parcel Numbers and specific Fund Numbers to identify properties assessed for special district benefit assessments on the County tax roll.

Following consideration of public comments and written protests at a noticed public hearing, the City Council may order amendments to the Report or confirm the Report as submitted. Following final approval of the Report and confirmation of the assessments, the Council may then order the levy and collection of assessments for FY 2013/2014 pursuant to the 1972 Act. In such case, the assessment information will be submitted to the County Auditor/Controller and included on the property tax roll for each benefiting parcel in FY 2013/2014.

B. HISTORICAL BACKGROUND

The City maintains the Districts, which include fifty-nine (59) individual districts, of which twenty-seven (27) were formed prior to 1999. The twenty-seven (27) Districts (hereafter referred to as the "Original Districts") were formed prior to the passage of Proposition 218 and the remaining Districts were formed after 1999.

For descriptions of the each of the Districts, refer to Section II (B).

C. IMPROVEMENTS AUTHORIZED BY THE 1972 ACT

As applicable or may be applicable to this proposed District, the 1972 Act defines improvements to mean one or any combination of the following:

- The installation or planting of landscaping.

- The installation or construction of statuary, fountains, and other ornamental structures and facilities.

- The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.

- The maintenance or servicing, or both, of any of the foregoing.

- The acquisition of any existing improvement otherwise authorized pursuant to this section.

Incidental expenses associated with the improvements including, but not limited to:

- The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment;

- The costs of printing, advertising, and the publishing, posting and mailing of notices;

- Compensation payable to the County for collection of assessments;

- Compensation of any engineer or attorney employed to render services;

- Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements;

- Any expenses incidental to the issuance of bonds or notes pursuant to Section 22662.5.

- Costs associated with any elections held for the approval of a new or increased assessment.

The 1972 Act defines "Maintain" or "maintenance" to mean furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:

- Repair, removal, or replacement of all or any part of any improvement.

- Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.

- The removal of trimmings, rubbish, debris, and other solid waste.

- The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

D. COMPLIANCE WITH CURRENT LEGISLATION

On November 5, 1996, California voters approved Proposition 218. The provisions of Proposition 218 are set forth in Articles XIIIC and XIIID of the California Constitution.

All assessments approved by the City Council have been prepared in accordance with the 1972 Act and are in compliance with the provisions of the California Constitution Article XIIID ("Article XIIID").

Article XIIID addresses several key criteria for the levy of assessments, notably:

Article XIIID Section 2d defines District as follows:

"District means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service";

Article XIIID Section 2i defines Special Benefit as follows:

"Special benefit" means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute "special benefit."

Article XIIID Section 4a defines proportional special benefit assessments as follows:

"An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

This District was formed to establish and provide for the improvements that enhance the presentation of the surrounding properties and developments. These improvements will directly benefit the parcels to be assessed within the District. The assessments and method of apportionment is based on the premise that the assessments will be used to construct and install landscape improvements within the District as well as provide for the annual maintenance of those improvements, and the assessment revenues generated by the District will be used solely for such purposes.

The costs of the improvements have been identified and allocated to properties within the District based on special benefit. The improvements to be provided by this District and for which properties will be assessed have been identified as an essential component and local amenity that provides a direct reflection and extension of the properties within the District which the property owners and residents have expressed a high level of support.

The method of apportionment (method of assessment) set forth in the Report is based on the premise that each assessed property receives special benefits from the landscape and

lighting improvements within the District, and the assessment obligation for each parcel reflects that parcel's proportional special benefits as compared to other properties that receive special benefits.

To identify and determine the proportional special benefit to each parcel within the District, it is necessary to consider the entire scope of the improvements provided as well as the properties that benefit from those improvements. The improvements and the associated costs described in this Report, have been carefully reviewed and have been identified and allocated based on a benefit rationale and calculations that proportionally allocate the net cost of only those improvements determined to be of special benefit to properties within the District. The various public improvements and the associated costs have been identified as either "general benefit" (not assessed) or "special benefit".

Pursuant to Article XIIID Section 5, certain existing assessments (those that existed on or before November 6, 1996) are exempt from the substantive and procedural requirements of Article XIIID Section 4 and property owner balloting for the existing assessments is not required until such time that such assessments are increased. Specifically, the improvements and the annual assessments for maintaining local improvements within each of the Districts were part of the original conditions of development and approved by all of the property owners of record at the time the existing assessments were originally imposed. Therefore, pursuant to Article XIIID Section 5(b), the existing assessment amounts are exempt from the substantive and procedural requirements of Article XIIID Section 4.

Although the assessments existing on the effective date of November 6, 1996 are exempt from the provisions of the Article XIIID Section 4, any new or increased assessments are subject to the substantive and procedural requirements of Article XIIID Section 4, including a mailed property owner notice and protest ballot proceeding. Accordingly, the Districts formed after 1999 were formed in compliance with the substantive and procedural requirements of Article XIIID. The City formed and conducted property owner protest ballot proceedings and at the conclusion of the Public Hearings, the property owner ballots returned were tabulated to determine if majority protest existed. The tabulation of the ballots indicated that majority protest did not exist in the Districts balloted.

II. PLANS AND SPECIFICATIONS

A. GENERAL IMPROVEMENTS WITHIN THE DISTRICTS

The Districts provide for the collection of annual assessments to fund the installation, and ongoing maintenance and servicing of landscape improvements, drainage, and appurtenant facilities including but not limited to, the cost of personnel, electrical energy, water service, materials, equipment, contracting services, and other items necessary for the satisfactory operation of these services in each District.

The proposed improvements for the Districts may be generally described as follows:

- The operation, maintenance, and servicing of all existing landscaping and appurtenant facilities necessary for the daily maintenance of said landscaping located within City rights-of-way. Operation, maintenance, and servicing means all work necessary for the daily maintenance required to maintain said landscaping including providing any necessary water, power, fertilizer, pest control, trimming, mowing, replacement due to damage or theft, and removal of all debris caused by nature or the act of maintaining the landscaping.

- All improvements consisting of trees, turf, shrubbery, ground cover, irrigation devices, water meters, electrical equipment, appurtenant structures, and ornamental structures existing at the present time. The cost associated with these improvements will be the cost of operations, maintenance and servicing.

Although the 1972 Act allows for the construction or installation of improvements and the assignment of the benefit assessments associated therewith, it is not anticipated that any improvements will be installed nor benefit assessments made for the installation of improvements.

The plans and specifications for the improvements for the Districts are voluminous and are not included in this Report, but are on file in the office of the City Engineer and are by reference herein made a part of this Report.

B. DISTRICT BOUNDARIES AND OR/LOCATIONS OF IMPROVEMENTS

The twenty seven (27) Original Districts were formed prior to the passage of Proposition 218 and the remaining Districts were formed after 1999. A general boundary map for each of the Districts is presented in Appendix A, District Assessment Diagrams, of this Report. The Districts formed after 1999 are distinct and separate areas operating independently of the Original Districts. Furthermore, some of these Districts may contain two or more zones of benefit that are identified by development name and/or tract number.

The Original Districts' locations and/or locations of improvements are as follows:

District 1

The improvements maintained are located on the east side of Kirby St. from Oakland Ave. north to Menlo Ave., east on the south side of Menlo Ave. to 800 feet east of San Huerta (middle of the rest area) and east and west of San Huerta south to San Padro Ave. North side of Devonshire Ave. from 158 feet west of Gilmore St. north on the east side of Kirby St. to Oakland Ave.

District 2

The improvements maintained are located on the north side of Whittier Ave. from 85 feet west of Holly Dr. east to Palm Ave., on the south side of Mayberry Ave. east to Tahquitz Ave., and the west side of Tahquitz Ave. south to Whittier Ave., on the north side of Whittier Ave. west to Palm Ave.

District 3

The improvements maintained are located on the north side of Fruitvale Ave. from 115 feet west of Buttercup Dr. to El Pueblo St. to El Rancho Rd. East side of Kirby St. from Fruitvale Ave. north to Eaton Ave., on the south side of Eaton Ave. to 615 feet east of Del Mar Dr. (end of the tract's block wall).

District 4

The improvements maintained are located on the south side of Johnston Ave. from the east property line of the convalescent hospital east of State St., 858 feet, south on the west side of State St. to the north property line of K-Mart.

District 5

The improvements maintained are located on the North side of Oakland Ave. from Hamilton St. west to Lyon Ave. north on the east side of Lyon Ave. to Menlo Ave., east on the south side of Menlo Ave. to 956 feet of Rhonda St. (wall and stake fence).

District 6

The improvements maintained are located on Stetson Ave. from 593 feet west of Buena Vista St. (east wall of the shopping center) to Buena Vista St., south on the West side of Buena Vista St. to Gardenia Cir. (rock shrubs and trees).

District 7

The improvements maintained are located on the south side of Devonshire Ave. from Brandon Way east to the end of the tract's block wall.

District 8

The improvements maintained are located on the south side of Stetson Ave. from the west end of Seven Hills Dr. perimeter fence to the east end of the fence at the convalescent hospital.

District 9

The improvements maintained includes the shrubs located on Stetson Ave and the East side of Seven Hills Dr. from Stetson Ave. South to the west side of Silver Oak Way. From Stetson Ave. south to even with the east/west block wall and the Seven Hills Dr. medians.

District 9-1

The improvements maintained are located on Red Oak Way south side from block wall at back of property facing Bottle Tree to Lyon, south on the west side of Lyon to Peppertree Dr., west on the north side of Peppertree Dr. to end of block wall (Eastside of Eighteenth Fairway).

District 10

The improvements maintained are located on the east side of Kirby St. from the railroad tracks north to 288 feet north of Walter Way.

District 11

The improvements maintained are located on the South side of Oakland Ave. to Elk St.; the west side of Elk St. to Devonshire Ave.; north side of Devonshire Ave. to Lyon Ave; East side of Lyon Ave. to Oakland Ave.; South side of Menlo Ave. from 400 feet west of Blanca St. to Lyon Ave.; south on the west side of Lyon Ave. to Devonshire Ave., then west on the north side of Devonshire Ave.

District 12

The improvements maintained are located from the retention basin on the Southwest corner of Fruitvale Ave and Sunflower St to the retention basin on the Southwest corner of Fruitvale Ave and Buttercup Dr. and West side of Lyon Ave. from 138 feet south of Fruitvale Ave. (at the end of the block wall), south to Menlo Ave., and west on the north side of Menlo Ave. and Garfield (29 4'x4' tree wells).

District 13

The improvements maintained includes tree trimming on the east side of Sanderson Ave. and the north side of Florida Ave.

District 14

The improvements maintained includes tree trimming on the north side of Thornton Ave. from Nicklaus to Santa Fe St. and the east side of Santa Fe St. from Thornton Ave. to Barber Dr., on both sides of Crenshaw Dr., Snead Dr., Palmer Dr. and Barber Dr.

District 15

The improvements maintained are located on Lyon Ave. from 488 feet north of Cobble Ln. (Block wall at the tract boundary) south to Thornton Ave., east on the north side of Thornton Ave. (to the end of the wall) and east side of Lyon Ave. from Thornton Ave. south to the north side of the retention basin.

District 16

The improvements maintained are located on the east side of Cawston Ave. from Thornton Ave. south to Windsor Ct., 40 feet (rock with 24 trees and 4 yuccas); east side of Cawston Ave. from south of Windsor St. to Harrison Ave.; Harrison Ave. from Cawston Ave. to Rexford Drive, north side; south side of Harrison from 623 feet west of Creekside Dr., south on both sides of Creekside Dr. for 53 feet; east on south side of Harrison Ave. from Creekside Dr. to Cawston Ave.; south on west side of Cawston Ave. to Cove St., west on both sides of Cove St., to end of curb radius (end of block wall), and south on wall (525 feet south of Cove St.).

District 17

The improvements maintained are located on Kirby St. north from Stetson Ave-both sides to Johnston Ave.; Johnston Ave. south side west from Kirby St. to 85 feet west of Merced Rd.; east side of Lilac St. from Johnston Ave. south to Carnation Ave.; south side of Johnston Ave. from Lilac St. west to Kirby St.; north side of Stetson Ave. 634 feet west of Lyon Ave. to Sanderson Ave.; east side of Kirby St. from Johnston Ave. north to the flood control channel; both sides of Kirby St. from flood control ditch north to railroad tracks (less RV storage entrance); Whittier Ave., east on south side of Whittier Ave. for 90 feet; northeast corner of Whittier Ave. and Garland Way; west side of Arbor Parkway from 88 feet north of Springs Rd. to Johnston Ave. and then west to Kirby St.; west side of Lyon Ave. from storm drain south to Whittier Ave. and then west on north side of Whittier Ave. to 95 feet east on Garland Way (11 tree wells).

District 17-1

The improvements maintained are located on the North side of Johnston Ave. from Lilac St. west to Arbor Parkway, to north on east side of Arbor Parkway to Whittier Ave. and east on south side of Whittier Ave. for 90 feet.

District 18

The improvements maintained are located in the Shopping Center plaza on the southwest corner of Florida Ave, Sanderson Ave, and Acacia Ave.

District 19

The improvements maintained are located on the Whittier Ave. and Lyon Ave.; the east end of open flood control channel and all tree wells on the south side of Whittier Ave. east of Lyon Ave. to end of the Tract.; Arbor Parkway and Garland Way (11 tree wells); Rodeigher Memorial Green, northwest corner of Palm Ave. and Acacia Ave; North side of Johnston Ave. from 90 feet west of Santa Teresa Way and east to Lyon Ave. with tree wells and sidewalk; Firestation #3, 4110 West Devonshire Ave.

District 19-1

The improvements maintained are located on the West side of Kirby St. from Fruitvale Ave. south to Menlo Ave. to west on north side of Menlo Ave. to the end of the Tract wall.

District 19-2

The improvements maintained are located on the West side of Kirby Ave. 118 feet north of Alne Dr. (end of stucco wall) south to Eaton Ave.,; west on the north side of Eaton Ave. 1,270 feet to the end of the retention basin.

District 19-3

The improvements maintained are located on the South side of Menlo Ave. from Seattle St. east to Sanderson Ave.; south on the west side of Sanderson Ave. to the end of the tract wall.

District 19-6

The improvements maintained includes planters located on Auto Mall Blvd. and Auto Mall Dr.; grass and planters located on Warren Rd. and Florida Ave., excluding the location of the Auto Mall sign.

District 19-7

The improvements maintained are located from the triangular desert scape south to Mahaffey St. and east from Mahaffey St. west to Santa Fe St., then south to the end of the block wall (trees, shrubs, mulch, and gravel).

District 19-10

The improvements maintained are located on the area between Buchanan St. and Sonrisa St. from the east side of Sonrisa St. 113 feet to the edge of the block wall, from the west side of Buchanan St. 67 feet to the edge of the block wall.

The locations and/or locations of improvements of the Districts formed after 1999 are as follows:

District 19-4 (Stoney Mountain Development)

The parcels and improvements are located along Esplanade Parkway, east of Warren Rd.

District 19-5 (Heartland)

The parcels and improvements are located in The Hemet Golf Club area north of W. Florida Ave. and generally west of California Ave.

District 20 (Pacific Green)

The improvements maintained are in the subdivision known as Tract 28555 located east of Lake St. and south of Charlton Ave.

District 22 (Cottonwood)

The improvements maintained are in the subdivision known as Tracts 30558, 30588-1, and 30588-2 located at the southeast corner of Harrison Ave. and Fisher St.

District 23 (23, 23-1, 23-2A, 23-2B, 23-3, 23-4, 23-5, 23-5B)

The improvements maintained are in the following subdivisions:

- Tract 28581 (Crean) located on the northwest corner of Sanderson Ave.and Eaton Avenue;
- Tract 29674 (Montana) located on the southwest corner of Palm Ave.and Fruitvale Avenue;
- Tracts 30689 and 30689-1 (Wildflower and Woodcrest) located on the northwest and southeast corners of Sanderson Ave. and Eaton Avenue;
- Tract 29581 (Covenant) located on the northwest corner of Kirby St.and Commonwealth Avenue;
- Tract 30560 (Autumn Ridge) is located between Sanderson Ave., Cawston Ave., Eaton Ave. and Fruitvale Ave.;
- Tract 28558 (Menlo Estates) is located on the northeast corner of Fruitvale Ave. and Brisbane St.;
- Tract 31295 (Menlo Estates II).is located in the northeast corner of Menlo Ave. and Brisbane St.

District 24 (Kalpesh)

The improvements maintained are in the following subdivisions:

- Tract 30869 (Zone A) is located on the south of Berkley Ave.and west of Lauresa Lane;
- Tract 30969 (Zone B) is located on the north of Berkley Ave. and east of Hemet St.

District 25 (Florida Avenue)

This District consists of seven non-contiguous parcels located along Florida Ave.

District 26 (Willowalk)

The improvements maintained are in the subdivision known as Tract 30041 located approximately 430 feet south of Stetson Ave. and east of Sanderson Ave.

District 27 (Flowerwood)

The improvements maintained are in the subdivision known as Tract 30158 located west of Buena Vista Avenue, north of Menlo Avenue, and east of Railroad St.

District 29 (Peppertree)

The improvements maintained are in the subdivision known as Tract No. 29843 located north of Menlo Ave. and west of Cawston Ave.

District 33 (Hideaway)

The improvements maintained are in the subdivisions known as Tract Nos. 24147-1 and 31796, located on the north side of Fruitvale Ave, approximately 542 feet east of Palm Ave., and approximately 287 feet west of State Ave.

District 35 (Enclave)

The improvements maintained are in the subdivision known as Tract 30724 located on the north side of Lincoln Ave. between Hemet St. and Meridian St.

District 36 (McSweeney)

The improvements maintained are in the subdivisions known as Tract Nos. 32717, 32717-1, 32717-2, 32717-3, 32717-4, 32717-5, 32717-6 and 32529 located on the north side of Newport Rd. and east side of State St.

District 37 (Montero)

The improvements maintained are in the subdivision known as Tract 31146 located on the north side of Devonshire Ave. between Warren Rd. and Old Warren Rd.

District 39 (SV Investments)

The improvements maintained are in the subdivision known as Tract 32359 located north of Charlton Ave. and east of Park Ave.

District 42 (Emerson)

The improvements maintained are in the subdivision known as Tract No. 31970 located on the south side of Devonshire Ave. and east of Meyers St.

District 43 (Palamino)

The improvements maintained are in the subdivision known as Tract 31280 located on the west side of Pine Ave. between Commonwealth Ave. and Esplanade Ave.

District 46 (Villa de Madrid)

The improvements maintained are in the subdivision known as Tract No. 33707 located on the northwest corner of Devonshire Ave. and Madrid St.

District 47 (Rancho Diamonte)

The improvements maintained are in the subdivisions known as Tract Nos. 31807, 31807-1, 31808, 31808-1, and 31808-2 located on the east side of Warren Rd., north of Mustang Way, west of Fisher St. and south of Thornton Ave.

District 51 (Salvation Army)

The improvements maintained consist of a single commercial development which is located south of Acacia Ave., north of Central Ave. and East of Palm Ave.

District 52 (Salvation Army)

The improvements maintained consist of approximately 3,280 square feet of landscaping area along Lyon Avenue and Peppertree Drive.

District 53 (Prince of Peace)

The improvements maintained by the property owner consist of a single commercial development which is located west of Sanderson Avenue and North of Menlo Ave.

District 54 (Habitat for Humanity)

The improvements maintained consist of a single residential development which is located north of Eaton St. and generally west of Palm Ave.

District 55 (Sahara)

The improvements maintained consist of a single commercial development which is located west of Palm Ave., south of Oakland Ave. and east of Hamilton Ave.

III. METHOD OF ASSESSMENT

A. BENEFIT ANALYSIS

Part 2 of Division 15 of the1972 Act, permits the establishment of assessment districts by cities for the purpose of providing certain public improvements which include operation, maintenance, rehabilitation and servicing of street lights, parks and landscaping.

The 1972 Act requires that maintenance assessments be levied according to the special

benefit received. Section 22573 of the 1972 Act provides that:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements".

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement" (Sec. 22574 of the 1972 Act). In addition, Article XIIID requires that a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. Article XIIID provides that only special benefits are assessable and the City must separate the general benefits from the special benefits.

General Benefit: Article XIIID of the California Constitution requires that the benefit to the public at large be identified for any improvements being funded through an assessment district. This general benefit may not be assessed to the parcels through an assessment district. The following Method of Assessment for the District analyzes the benefit to the public at large from the landscaping and lighting improvements provided by the City for the District.

Special Benefit: Article XIIID of the California Constitution defines special benefit as "a particular and distinct benefit over and above the general benefits conferred on real property located in the district or to the public at large." General enhancement of property values does not constitute 'special benefit'. The following Method of Assessment for the Districts analyzes the special benefit each parcel receives from the improvements funded in each of the Districts. The cost of the landscaping maintenance is distributed to parcels based on the special benefit each parcel receives.

The improvements are conditions of approval for the creation or development of the parcels. In order to create or develop the parcels, the City required the original developer to install, and guarantee the maintenance of, landscaping, ornamental structures, and appurtenant facilities to benefit the parcels. Therefore, each parcel within each of the Districts would not have been developed without the installation and maintenance of these facilities.

In addition, the improvements continue to confer a special benefit upon parcels within the Districts because of the nature of the improvements. The proper maintenance of landscaping and appurtenant facilities specially benefit parcels within the Districts by moderating temperatures, providing oxygenation, attenuating noise from adjacent streets and controlling dust for those properties in close proximity to the landscaping, thereby enhancing the environmental quality of the parcels and making them more desirable. Properly maintained landscaping also deters the erosion of slopes and thereby minimizes the risk of instability and the potential destruction of property within the Districts. The proper maintenance of landscaped areas not only facilitates proper drainage (and thereby reduces the potential for erosion to properties within the Districts) but also beautifies and makes safer flood control facilities that would otherwise be unsightly and potentially dangerous.

The spraying and treating of landscaping for disease reduces the likelihood of insect infestation and other diseases spreading to landscaping located throughout the properties within the Districts. The proper maintenance of the landscaping, ornamental structures, and appurtenant facilities reduces property-related crimes (especially vandalism) against

properties in the Districts through the abatement of graffiti and the screening of properties within the Districts from arterial streets. Finally, the proper maintenance of landscaping and ornamental structures improves the attractiveness of the properties within the Districts and provides a positive visual experience each and every time a trip is made to or from the property. All of the above contribute to a specific benefit for the parcels within the Districts.

B. METHODOLOGY

Original Districts

Residential Parcels in each specific district are assessed for the special benefits they receive from the maintained landscaping in that district, and only that district. Since the frontage of a parcel is an indicator of the relative access to the benefits conferred to that parcel, the assessments are based on a front footage basis.

For commercial property, the special benefit to each parcel is derived not only from the benefits to the property described above, but also the enhancement of the businesses through the enhanced ability to attract clients, employees, and customers to the parcel and the associated business conducted there. This benefit increases according to the size of the business and the number of people doing business there, which, in turn, generally correlates to the area of the parcel. Therefore, the estimated benefit of the improvements to a commercial parcel is greater than that of a residential parcel.

Publicly owned parcels are assessed the same as other parcels, except for publicly owned drainage basins. The latter parcels are undeveloped and are required to remain undeveloped in order to function as drainage basins. Therefore, the parcels receive none of the special benefits described above.

With this determination of special benefit, each parcel in the district, regardless of land use, is assessed based on the parcel's front linear footage. Front footage is defined as the width of the parcel immediately abutting a City street, with the following exceptions:

- Corner parcels. The shorter of the two sides immediately abutting dedicated City streets will be considered the parcel's front footage.

- Cul-de-sac parcels. The width of the parcel measured 50 feet back from the property line immediately abutting a dedicated City street will be considered the parcel's front footage.

Units of Benefits ("UOB") are apportioned according to a parcels land use and special benefit received. Land use is categorized as follows:

- Residential parcels are those lots having at least one residential structure on them with a lot frontage of 120 feet or less.

- Rural parcels are those lots having at least one residential structure on them with a lot frontage over 120 feet. The maximum assessment frontage for rural parcels will be 120 feet.

- Agricultural parcels are those lots having no residential structures on them and with a frontage in excess of 120 feet.

- Commercial/Industrial parcels are those lots that are not classified as residential, rural, or agricultural.

The assessments are apportioned on the basis of a UOB, which is defined as an increment of the front linear footage of the particular parcel classification. Accordingly, parcels with greater front linear footage will have a proportionally higher number of UOBs.

- Residential parcels are assigned one UOB per front linear foot up to 120 front linear feet.

- Rural parcels are assigned one hundred and twenty (120) UOB per lot.

- Agricultural parcels will be assigned zero UOB until such time as the parcel develops.

- Commercial/Industrial parcels are assigned 1.5 UOB per front linear foot with no limit in front linear footage. Once the number of UOBs and costs associated with each district is determined, the costs are divided by the UOBs to determine an assessment rate for each UOB in each district.

Each parcel currently within the Districts will be placed into one of the four designated classifications by land use. The individual assessments will then be determined by multiplying the District assessment rate by the parcels total UOB.

Land-Use Category	Assigned UOB
Residential	1.0 UOB/Front Linear Foot
Commercial/Industrial	1.5 UOB/Front Linear Foot
Agricultural	0.0 UOB
Rural	120 UOB/Lot

The following table shows the residential and commercial front footages and the maximum assessment rate per UOB for each of the Original Districts. The maximum assessment rates do not exceed any pre-Proposition 218 rates approved by the City and are not subject to any cost of living increases.

District	Total Residential Front Footage	Total Commercial Front Footage	Maximum Assessment Rate per Unit of Benefit
1	21,292	845	$1.53
2	6,319	0	$1.89
3	11,309	0	$1.63
4	2,260	1,144	$2.56
5	19,648	0	$2.18
6	2,631	0	$1.74
7	6,044	0	$1.57
8	835	2,647	$1.71
9	78,052	0	$2.36
9-1	10,008	0	$1.94
10	5,800	0	$1.51
11	29,291	0	$2.35
12	11,392	0	$1.71
13	0	3,027	$1.71
14	3,121	0	$0.67
15	15,265	0	$1.96
16	86,778	976	$1.71
17	66,837	366	$2.37
17-1	7,178	0	$0.78
18	0	1,400	$1.71
19	441,245	42,193	$0.22
19-1	16,531	0	$1.94
19-2	7,583	0	$2.01
19-3	34,209	0	$1.66
19-6	0	10,003	$1.38
19-7	2,716	0	$2.00
19-10	10,522	0	$0.68

Subsequent Districts and Annexations

With the exception of District 25, each of the Districts formed subsequent to the formation of the original Districts consists of single-family residential parcels, which all receive a unique and special benefit from the improvements due to their similarity in location, use, and proximity to the improvements. Therefore, each parcel in each of these Districts is assessed for the special benefits of the landscaping maintained in its respective District, and only that District, and will be assigned one UOB or Equivalent Benefit Unit (EBU) and charged the same per UOB/EBU rate as any other parcel in that District.

For the Districts formed after 1999, please refer to Section IV (B) for a breakdown of the District Budgets and the Maximum Levy rate per EBU.

The maximum assessment rates for the Districts formed after 1999 are subject to a cost of living increase as explained in the Section III(C) of this Report.

For District 25, Florida Avenue, assessments are made on the basis of a UOB, with a UOB defined as an increment of the front linear footage of the particular parcel classification. Commercial parcels will be assigned 1.50 UOB per front linear foot with no limit in front linear footage. Currently there are seven (7) parcels located in District 25 with a total of 1,121.00 of commercial front linear footage. Applying the UOB formula results in a total UOB count of 1,681.50 for the District.

Once the number of front linear footage and costs associated with the District are determined, the costs are divided by the UOB's for each parcel to determine the individual assessments. The following costs have been estimated to maintain the District for FY 2013/2014:

District 25 (Florida Avenue) FY 2013/2014 Costs	
Annual maintenance expenses	$7,900.00
Proposed assessments FY 2013/2014	$2,585.00
Assessable parcels	7
Assessable front linear footage	1,121
Assessable UOBs	1,681.50
Assessment per UOB	$1.52

C. ASSESSMENT ADJUSTMENT FACTOR TO OFFSET INFLATION

It is recognized that the cost of maintaining the improvements may increase slightly every year as a result of inflation.

New or increased assessments require certain noticing, meeting, and balloting requirements. However, Government Code Section 54954.6(a) provides that a "*new or increased assessment*" does not include "*an assessment which does not exceed an assessment formula or range of assessments...previously adopted by the agency or approved by the voters in the area where the assessment is imposed.*" This definition of an increased assessment was later confirmed by Senate Bill 919 (The Proposition 218

Omnibus Implementation Act).

Those Districts that make up the original twenty-seven (27) districts do not include a cost of living adjustment factor. However, the Districts formed after 1999 include a cost of living adjustment factor for increasing assessments each fiscal year to offset increases in costs due to inflation, which will be limited by a not-to-exceed rate of 4 percent per fiscal year. This adjustment factor complies with the above referenced Government Code Section and was adopted by the City Council as approved by the property owners when they were balloted for their assessments.

If the budget and assessments for a given District require an increase greater than the adjustment set forth, then the proposed increase would be subject to the procedural requirements of Section 4 of Article XIIID.

IV. DISTRICT BUDGETS

A. DESCRITION OF BUDGET ITEMS

The following describes the services and costs that are funded through the Districts and shown in the District budgets:

Operating Reserve Fund/Capital Reserve: Includes funds being added to the Reserve Account for the current fiscal year. The Reserve Account provides for collection by the District of funds to operate the District from the time period of July 1 (beginning of the fiscal year) through December when the County provides the City with the first installment of assessments collected from the property tax bills. The Reserve Account eliminates the need for the City to transfer funds from non-district accounts to pay for District charges during the first months of the fiscal year. The Capital Reserve includes repairs to the improvements and facilities that are not included in the yearly maintenance costs. This may include repair of damaged amenities due to vandalism, storms, etc. Also included may be planned upgrades or replacements of the improvements and equipment that provide a direct benefit to the District.

Landscape Maintenance/Graffiti Removal: Includes maintenance materials and equipment required to properly maintain the authorized improvements and services within the District including fencing, planting materials, landscape, irrigation, drainage systems, graffiti removal, entry monuments and ornamental structures, and associated appurtenant facilities within the District.

Labor Costs: Include regularly scheduled labor, contracted labor, and general maintenance costs including wages, salaries, and benefits required to properly maintain and ensure the satisfactory condition of the authorized improvements and services within the District.

Utilities: Include the costs related with the furnishing of water and electricity required for the operation and maintenance of the improvements and facilities.

Park Maintenance: This may include, but is not limited to, the care of all landscaping and facilities within the designated local parks and open space areas including trees, plant

material, sod, irrigation system, sidewalks, drainage facilities, weed control, playground equipment, signs, monuments, and associated appurtenant facilities.

Street Tree Trimming: Includes the costs associated with the trimming of the trees authorized to be maintained within the District.

Personnel/Overhead: The cost to all particular departments and staff of the City for providing the coordination of District services, operations and maintenance of the improvements, response to public concerns and education, and procedures associated with the levy and collection of assessments.

Professional Fees: These are the costs of contracting with professionals to provide services specific to the levy administration. Professional levy administration includes preparation of the Report, resolutions, and levy submittal to the County. These fees can also include any additional administrative, legal, or engineering services specific to the District such as the cost to prepare and mail notices of the public meeting and hearing.

Miscellaneous/County Fees: This item includes, but is not limited to, any additional administrative costs such as printing or reproductions. The County administration fee is the cost charged to the District by the County for the placement and collection of assessments on the property tax bills.

(Contribution)/Collection Applied from/to District Funds/Reserve Fund: The District Funds/Reserve Fund reflects funds being added or deleted from the District Funds/Reserve Account for the current Fiscal Year. The Reserve Fund provides for collection by the District of funds to operate the District from the time period of July 1 (Beginning of the Fiscal Year) through January when the County provides the City with the first installment of assessments collected from the property tax bills.

Other Revenue/General Fund Contribution: This item includes additional funds designated for the District that are not from District assessments. These funds may be from either non-District or District sources including City General Fund Contributions and interest earnings.

Balance to Levy: This is the total amount to be levied on the parcels within the District for the current fiscal year.

HOA Contribution: This item includes funds designated for the District wherein the area's established Home Owners Association is in agreement to supplement costs of the District.

B. DISTRICT BUDGETS

The following tables detail the specific budgets for the Original Districts and each District created thereafter:

DISTRICT DESCRIPTION	ORIGINAL DISTRICTS	STONEY MTN	HEARTLAND	PACIFIC GREEN	COTTONWOOD
DISTRICT NO.		19-4	19-5	20	22
COUNTY FUND NO.	68-2406 (1)(3) & 68-2410 (2)(3)	68-2394	68-2392	68-8614	68-8609
CITY ACCOUNT NO.	225-8250	228-8266, 0108	228-8265, 0107	228-8263, 0104	228-8272, 0135
TRACT/PARCEL MAP NO.	MULTIPLE	TR 29129	TR 28286-9, -10, & -11	TR 28555	TR 30558, -1 & -2
2013/2014:					
DIRECT EXPENSES					
Landscape Maintenance (Contracts or Specific District Labor)	$189,719	$30,000	$305,016	$0	$41,000
Street Tree Trimming (Net of Estimated Interest)	324,551	22,992	84,983	9,371	21,653
Utilities	247,863	21,000	40,000	1,000	55,000
Grafitti Removal	55,200	607	2,244	247	572
Direct Expenses Subtotal	$817,333	$74,599	$432,243	$10,619	$118,225
ADMINISTRATION EXPENSES					
Personnel/Overhead (Net of Estimated Interest)	$162,240	$4,799	$63,615	$1,460	$6,128
Professional Fees (Net of Estimated Interest)	9,900	555	2,697	169	709
Miscellaneous/County Fees	7,972	260	848	186	293
Administration Expenses Subtotal	$180,112	$5,614	$67,160	$1,815	$7,130
COLLECTIONS/(CREDITS) APPLIED TO LEVY					
Total Fiscal Year 2013/2014 Direct and Administrative Expenses	$997,445	$80,213	$499,402	$12,434	$125,355
Capital Reserve Collection/(Transfer) - Proposed	0	0	0		0
Operating Reserve Funds Collection/(Transfer)	(79,222)	0	(89,046)	(12,434)	(7,450)
Other Revenue / General Fund Collection/(Transfer)	0	0	0	0	0
Total Adjustments	($79,222)	$0	($89,046)	($12,434)	($7,450)
BALANCE TO LEVY FISCAL YEAR 2013/2014:	$918,223	$80,213	$410,356	$0	$117,905
DISTRICT STATISTICS					
Total Parcels	15,304	320	1,558	161	378
Total Parcels Levied	15,225	307	1,460	161	372
Total Equivalent Benefit Unit (EBU)	959,467.16	395.00	1,460.00	161.00	372.00
2013/2014: Levy Rate per EBU	Varies	$203.06	$281.06	$0.00	$316.94
2013/2014: Maximum Levy Rate per EBU with HOA Credit (7)(8)	N/A	N/A	712.77	N/A	N/A
2013/2014: Maximum Levy Rate per EBU without HOA Credit (7)(8)	N/A	$469.53	$788.20	$53.28	$476.81
Total Assessment Allowable	$918,223	$185,486	$1,040,640	$8,578	$177,373
2012/2013: Levy Rate per EBU	Varies	$129.68	$113.00	$0.00	$242.80
2012/2013: Total Levy	$918,223	$51,224	$164,980	$0	$90,322
DISTRICT FUNDS:					
Estimated Reserve Fund Beginning Balance 7/1/2013	548,776	$48,128	$280,379	$31,986	$63,324
2013/2014: Reserve Fund Adjustments	(79,222)	0	(89,046)	(12,434)	(7,450)
Anticipated Reserve Balance 6/30/2014	469,555	48,128	191,333	19,552	55,873
Beginning CIP Fund Balance 7/1/2013	$0	$122,663	$158,100	$0	$36,729
CIP Fund Adjustments	0	0	0	0	0
Anticipated CIP Balance 6/30/2014	0	122,663	158,100	0	36,729
Estimated Percentage of Improvements Maintained	100%	100%	100%	100%	100%
HISTORICAL RATES:					
Fiscal Year 2011/12	Varies	248.30	290.08	N/A	404.44
Fiscal Year 2010/11	Varies	345.42	509.30	47.36	423.88
Fiscal Year 2009/10	Varies	93.06	624.76	N/A	25.55
Fiscal Year 2008/09	Varies	371.08	598.84	38.94	362.34
Fiscal Year 2007/08	Varies	356.80	573.93	37.44	348.40
Fiscal Year 2006/07	Varies	343.08	522.94	36.00	335.00
Fiscal Year 2005/06	Varies	317.20	532.48	33.28	N/A

Notes

(1) Fund Number 68-2406 consists of Districts 1, 2, 3, 4, 5 ,6 ,7 ,8 ,9, 9-1, 10, 11, 12, 13, 14, 15, 16, 17, 17-1 & 18.

(2) Fund Number 68-2410 consists of Districts 19, 19-1, 19-2, 19-3, 19-6, 19-7 & 19-10.

(3) The levy rates for these Districts are not per EBU/parcel, but are apportioned per Unit of

(4) Lot 120 of Tract No. 31796 has been designated as a detention basin lot. If in the future Lot 120 is no longer designated as detention basin lot, and is developed and/or subdivided, Lot No.

(5) The Vernal Pool, identified as Lot N within Tract 31808, is proposed to be maintained by the established HOA, resulting in an additional credit to the annual assessment for LMD 47

(6) For the periodic rehabilitation/replacement of landscape

(7) Portion of the landscape maintenance is currently being maintained by the HOA for District

(8) There is an allowable 4% inflator applied to Maximum Levy Rate with exception to the

Slight variances due to rounding

DISTRICT DESCRIPTION	CREAN	MONTANA	WILDFLOWER	WOODCREST	COVENANT	AUTUMN RIDGE
DISTRICT NO.	23	23-1	23-2A	23-2B	23-3	23-4 & 44
COUNTY FUND NO.	68-2396	68-2398	68-8601	68-8603	68-8600	68-8616
CITY ACCOUNT NO.	228-8264, 0106	228-8267, 0109	228-8269, 0132	228-8270, 0133	228-8268, 0131	228-8276, 0138
TRACT/PARCEL MAP NO.	TR 28581	TR 29674	TR 25405	TR 30689, -1 & 2	TR 29581	TR 30506, 33705
2013/2014:						
DIRECT EXPENSES						
Landscape Maintenance (Contracts or Specific District Labor)	$9,000	$2,000	$4,500	$6,000	$12,600	$97,221
Street Tree Trimming (Net of Estimated Interest)	7,683	3,958	10,419	9,895	3,201	13,620
Utilities	18,000	4,900	3,000	14,000	3,000	45,000
Grafitti Removal	203	105	275	261	85	360
Direct Expenses Subtotal	$34,886	$10,963	$18,194	$30,157	$18,886	$156,201
ADMINISTRATION EXPENSES						
Personnel/Overhead (Net of Estimated Interest)	$1,976	$809	$1,813	$2,128	$947	$16,972
Professional Fees (Net of Estimated Interest)	228	93	210	246	110	725
Miscellaneous/County Fees	171	138	195	190	132	223
Administration Expenses Subtotal	$2,375	$1,041	$2,217	$2,564	$1,189	$17,920
COLLECTIONS/(CREDITS) APPLIED TO LEVY						
Total Fiscal Year 2013/2014 Direct and Administrative Expenses	$37,262	$12,003	$20,412	$32,721	$20,075	$174,121
Capital Reserve Collection/(Transfer) - Proposed	0		0	0		0
Operating Reserve Funds Collection/(Transfer)	(15,071)	(4,382)	(9,813)	(32,721)	(5,257)	(26,578)
Other Revenue / General Fund Collection/(Transfer)	0	0	0	0	0	0
Total Adjustments	($15,071)	($4,382)	($9,813)	($32,721)	($5,257)	($26,578)
BALANCE TO LEVY FISCAL YEAR 2013/2014:	$22,190	$7,621	$10,599	$0	$14,817	$147,543
DISTRICT STATISTICS						
Total Parcels	137	69	180	182	56	247
Total Parcels Levied	132	68	179	170	55	234
Total Equivalent Benefit Unit (EBU)	132.00	68.00	179.00	170.00	55.00	234.00
2013/2014: Levy Rate per EBU	$168.10	$112.06	$59.20	$0.00	$269.40	$630.52
2013/2014: Maximum Levy Rate per EBU with HOA Credit(7)(8)	N/A	N/A	N/A	N/A	N/A	N/A
2013/2014: Maximum Levy Rate per EBU without HOA Credit (7)(8)	$168.11	$112.07	$59.21	$313.81	$269.40	$630.53
Total Assessment Allowable	$22,190	$7,621	$10,599	$53,348	$14,817	$147,543
2012/2013: Levy Rate per EBU	$161.64	$107.76	$56.92	$77.84	$259.04	$606.26
2012/2013: Total Levy	$21,336	$7,328	$10,189	$13,233	$14,247	$141,865
DISTRICT FUNDS:						
Estimated Reserve Fund Beginning Balance 7/1/2013	($6,872)	$10,372	$9,546	$58,109	$9,107	$43,161
2013/2014: Reserve Fund Adjustments	(15,071)	(4,382)	(9,813)	(32,721)	(5,257)	(26,578)
Anticipated Reserve Balance 6/30/2014	(21,944)	5,990	(267)	25,388	3,849	16,583
Beginning CIP Fund Balance 7/1/2013	$0	$0	$0	$0	$0	$0
CIP Fund Adjustments	0	0	0	0	0	0
Anticipated CIP Balance 6/30/2014	0	0	0	0	0	0
Estimated Percentage of Improvements Maintained	100%	100%	100%	100%	100%	100%
HISTORICAL RATES:						
Fiscal Year 2011/12	155.42	103.60	54.74	92.12	249.06	582.94
Fiscal Year 2010/11	149.44	149.44	52.64	226.82	239.50	560.54
Fiscal Year 2009/10	143.70	N/A	50.61	94.30	N/A	538.98
Fiscal Year 2008/09	138.17	92.12	48.65	248.00	212.91	479.15
Fiscal Year 2007/08	118.10	81.89	46.79	238.47	204.71	460.72
Fiscal Year 2006/07	113.56	78.74	43.26	229.30	196.85	443.00
Fiscal Year 2005/06	258.11	72.80	40.00	212.00	182.00	N/A

Notes

(1) Fund Number 68-2406 consists of Districts 1, 2, 3, 4, 5 ,6 ,7 ,8 ,9, 9-1, 10, 11, 12, 13, 14, 15, 16, 17, 17-1 & 18.

(2) Fund Number 68-2410 consists of Districts 19, 19-1, 19-2, 19-3, 19-6, 19-7 & 19-10.

(3) The levy rates for these Districts are not per EBU/parcel, but are apportioned per Unit of

(4) Lot 120 of Tract No. 31796 has been designated as a detention basin lot. If in the future Lot 120 is no longer designated as detention basin lot, and is developed and/or subdivided, Lot No.

(5) The Vernal Pool, identified as Lot N within Tract 31808, is proposed to be maintained by the established HOA, resulting in an additional credit to the annual assessment for LMD 47

(6) For the periodic rehabilitation/replacement of landscape

(7) Portion of the landscape maintenance is currently being maintained by the HOA for District

(8) There is an allowable 4% inflator applied to Maximum Levy Rate with exception to the Slight variances due to rounding

DISTRICT DESCRIPTION	MENLO ESTATES	MENLO ESTATES II	KALPESH A	KALPESH B	FLORIDA AVE	WILLOWALK
DISTRICT NO.	23-5	23-5B	24	24	25	26
COUNTY FUND NO.	68-8618	68-8620	68-8611	68-8611	68-8612 (3)	68-8624
CITY ACCOUNT NO.	228-8277, 0139	228-8278, 0140	228-8273, 0136	228-8273, 0136	228-8274, 0137	228-8280, 0151
TRACT/PARCEL MAP NO.	TR 28558	TR 31295	TR 30869	TR 30969		TR 30041
2013/2014:						
DIRECT EXPENSES						
Landscape Maintenance (Contracts or Specific District Labor)	$3,000	$3,000	$3,165	$1,835	$500	$30,000
Street Tree Trimming (Net of Estimated Interest)	4,424	4,366	990	1,863	1,917	24,854
Utilities	3,200	2,000	2,575	1,575	4,900	6,000
Graffiti Removal	117	115	26	49	51	658
Direct Expenses Subtotal	$10,741	$9,481	$6,756	$5,322	$7,368	$61,511
ADMINISTRATION EXPENSES						
Personnel/Overhead (Net of Estimated Interest)	$865	$815	$319	$387	$381	$4,912
Professional Fees (Net of Estimated Interest)	100	94	37	45	44	568
Miscellaneous/County Fees	142	142	112	120	107	321
Administration Expenses Subtotal	$1,107	$1,052	$468	$551	$532	$5,801
COLLECTIONS/(CREDITS) APPLIED TO LEVY						
Total Fiscal Year 2013/2014 Direct and Administrative Expenses	$11,848	$10,532	$7,224	$5,873	$7,900	$67,312
Capital Reserve Collection/(Transfer) - Proposed	0		0	0	0	0
Operating Reserve Funds Collection/(Transfer)	(4,551)	(5,734)	(810)	(1,455)	(5,315)	(59,624)
Other Revenue / General Fund Collection/(Transfer)	0	0	0	0	0	0
Total Adjustments	($4,551)	($5,734)	($810)	($1,455)	($5,315)	($59,624)
BALANCE TO LEVY FISCAL YEAR 2013/2014:	$7,297	$4,799	$6,414	$4,418	$2,585	$7,688
DISTRICT STATISTICS						
Total Parcels	79	76	17	33	7	451
Total Parcels Levied	76	75	17	32	7	427
Total Equivalent Benefit Unit (EBU)	76.00	75.00	17.00	32.00	1,681.50	427.00
2013/2014: Levy Rate per EBU	$96.00	$63.98	$377.28	$138.06	$1.52	$18.00
2013/2014: Maximum Levy Rate per EBU with HOA Credit (7)(8)	N/A	N/A	N/A	N/A	N/A	$198.44
2013/2014: Maximum Levy Rate per EBU without HOA Credit (7)(8)	$156.56	$156.56	$422.72	$138.06	$1.54	$380.46
Total Assessment Allowable	$11,899	$11,742	$7,186	$4,418	$2,585	$84,735
2012/2013: Levy Rate per EBU	$118.60	$143.44	$329.28	$132.74	$1.46	$0.00
2012/2013: Total Levy	$9,014	$10,758	$5,598	$4,248	$2,485	$0
DISTRICT FUNDS:						
Estimated Reserve Fund Beginning Balance 7/1/2013	$6,751	$13,831	$2,785	$4,152	($72,117)	$68,816
2013/2014: Reserve Fund Adjustments	(4,551)	(5,734)	(810)	(1,455)	(5,315)	(59,624)
Anticipated Reserve Balance 6/30/2014	2,200	8,097	1,976	2,697	(77,432)	9,192
Beginning CIP Fund Balance 7/1/2013	$6,600	$0	$3,400	$0	$0	$35,683
CIP Fund Adjustments	0	0	0	0	0	0
Anticipated CIP Balance 6/30/2014	6,600	0	3,400	0	0	35,683
Estimated Percentage of Improvements Maintained	100%	100%	100%	100%	100%	100%
HISTORICAL RATES:						
Fiscal Year 2011/12	114.24	95.14	390.82	127.66	1.42	N/A
Fiscal Year 2010/11	84.44	69.89	375.80	122.74	1.37	22.75
Fiscal Year 2009/10	133.83	61.13	227.39	101.90	1.31	N/A
Fiscal Year 2008/09	118.98	123.74	347.44	113.46	1.26	158.83
Fiscal Year 2007/08	114.40	118.98	334.08	109.11	1.21	150.80
Fiscal Year 2006/07	110.00	114.40	321.23	104.91	1.17	145.00
Fiscal Year 2005/06	8,360.00	N/A	2,524.00	3,104.00	N/A	N/A

Notes

(1) Fund Number 68-2406 consists of Districts 1, 2, 3, 4, 5 ,6 ,7 ,8 ,9, 9-1, 10, 11, 12, 13, 14, 15, 16, 17, 17-1 & 18.

(2) Fund Number 68-2410 consists of Districts 19, 19-1, 19-2, 19-3, 19-6, 19-7 & 19-10.

(3) The levy rates for these Districts are not per EBU/parcel, but are apportioned per Unit of

(4) Lot 120 of Tract No. 31796 has been designated as a detention basin lot. If in the future Lot 120 is no longer designated as detention basin lot, and is developed and/or subdivided, Lot No.

(5) The Vernal Pool, identified as Lot N within Tract 31808, is proposed to be maintained by the established HOA, resulting in an additional credit to the annual assessment for LMD 47

(6) For the periodic rehabilitation/replacement of landscape

(7) Portion of the landscape maintenance is currently being maintained by the HOA for District

(8) There is an allowable 4% inflator applied to Maximum Levy Rate with exception to the Slight variances due to rounding

DISTRICT DESCRIPTION	FLOWERWOOD	PEPPERTREE	HIDEAWAY	ENCLAVE	McSWEENEY
DISTRICT NO.	27	29	33	35	36
COUNTY FUND NO.	68-8622	68-8634	68-8636	68-8628	68-8638
CITY ACCOUNT NO.	228-8279, 0150	228-8286, 0157	228-8287, 0158	228-8283, 0154	228-8288, 0159
TRACT/PARCEL MAP NO.	TR 30158	TR 29843	TR 24147-1, 31796 (4)	TR 30724	TR 32717, 32717-1, -2, -3, -4, -5, 6, & 32529
2013/2014:					
DIRECT EXPENSES					
Landscape Maintenance (Contracts or Specific District Labor)	$13,900	$0	$0	$2,000	$30,100
Street Tree Trimming (Net of Estimated Interest)	4,133	0	0	931	18,044
Utilities	9,000	0	0	800	10,000
Graffiti Removal	109	0	0	25	477
Direct Expenses Subtotal	$27,142	$0	$0	$3,756	$58,621
ADMINISTRATION EXPENSES					
Personnel/Overhead (Net of Estimated Interest)	$1,317	$0	$0	$224	$3,989
Professional Fees (Net of Estimated Interest)	152	70	61	26	461
Miscellaneous/County Fees	140	0	0	112	262
Administration Expenses Subtotal	$1,609	$70	$61	$362	$4,712
COLLECTIONS/(CREDITS) APPLIED TO LEVY					
Total Fiscal Year 2013/2014 Direct and Administrative Expenses	$28,750	$70	$61	$4,118	$63,333
Capital Reserve Collection/(Transfer) - Proposed	0		0	0	
Operating Reserve Funds Collection/(Transfer)	(28,750)	(70)	(61)	(4,118)	(63,333)
Other Revenue / General Fund Collection/(Transfer)	0	0	0	0	0
Total Adjustments	($28,750)	($70)	($61)	($4,118)	($63,333)
BALANCE TO LEVY FISCAL YEAR 2013/2014:	$0	$0	$0	$0	$0
DISTRICT STATISTICS					
Total Parcels	77	226	196	16	333
Total Parcels Levied	71	197	193	16	310
Total Equivalent Benefit Unit (EBU)	71.00	456.00	193.00	16.00	310.00
2013/2014: Levy Rate per EBU	$0.00	$0.00	$0.00	$0.00	$0.00
2013/2014: Maximum Levy Rate per EBU with HOA Credit (7)(8)	N/A	$88.50	N/A	N/A	$876.41
2013/2014: Maximum Levy Rate per EBU without HOA Credit (7)(8)	$644.60	$1,777.82	$426.36	$205.29	$2,360.78
Total Assessment Allowable	$45,766	$40,354	$82,288	$3,285	$271,687
2012/2013: Levy Rate per EBU	$490.04	$0.00	$0.00	$168.74	$0.00
2012/2013: Total Levy	$34,793	$0	$0	$2,700	$0
DISTRICT FUNDS:					
Estimated Reserve Fund Beginning Balance 7/1/2013	$101,767	$524	$59,057	$7,882	$127,251
2013/2014: Reserve Fund Adjustments	(28,750)	(70)	(61)	(4,118)	(63,333)
Anticipated Reserve Balance 6/30/2014	73,017	454	58,996	3,765	63,918
Beginning CIP Fund Balance 7/1/2013	$0	$8,900	$3,400	$0	$65,204
CIP Fund Adjustments	0	0	0	0	0
Anticipated CIP Balance 6/30/2014	0	8,900	3,400	0	65,204
Estimated Percentage of Improvements Maintained	100%	0%	0%	100%	100%
HISTORICAL RATES:					
Fiscal Year 2011/12	437.88	19.10	N/A	159.30	19.52
Fiscal Year 2010/11	573.04	8.13	N/A	182.50	302.65
Fiscal Year 2009/10	551.00	N/A	N/A	172.53	29.28
Fiscal Year 2008/09	509.43	72.74	324.00	162.24	666.00
Fiscal Year 2007/08	489.84	N/A	N/A	156.00	N/A
Fiscal Year 2006/07	471.00	N/A	N/A	150.00	N/A
Fiscal Year 2005/06	N/A	N/A	N/A	N/A	N/A

Notes

(1) Fund Number 68-2406 consists of Districts 1, 2, 3, 4, 5 ,6 ,7 ,8 ,9, 9-1, 10, 11, 12, 13, 14, 15, 16, 17, 17-1 & 18.

(2) Fund Number 68-2410 consists of Districts 19, 19-1, 19-2, 19-3, 19-6, 19-7 & 19-10.

(3) The levy rates for these Districts are not per EBU/parcel, but are apportioned per Unit of

(4) Lot 120 of Tract No. 31796 has been designated as a detention basin lot. If in the future Lot 120 is no longer designated as detention basin lot, and is developed and/or subdivided, Lot No.

(5) The Vernal Pool, identified as Lot N within Tract 31808, is proposed to be maintained by the established HOA, resulting in an additional credit to the annual assessment for LMD 47

(6) For the periodic rehabilitation/replacement of landscape

(7) Portion of the landscape maintenance is currently being maintained by the HOA for District

(8) There is an allowable 4% inflator applied to Maximum Levy Rate with exception to the Slight variances due to rounding

DISTRICT DESCRIPTION	MONTERO	SV INVESTMENTS	EMERSON	PALOMINO	VILLA DE MADRID
DISTRICT NO.	37	39	42	43	46
COUNTY FUND NO.	68-8605	68-8632	68-8640	68-8630	68-8643
CITY ACCOUNT NO.	228-8271, 0134	228-8284, 0155	228-8289, 0170	228-8285, 0156	228-8291, 0172
TRACT/PARCEL MAP NO.	TR 31146	TR 32359	TR 31970	TR 31280	TR 33707
2013/2014:					
DIRECT EXPENSES					
Landscape Maintenance (Contracts or Specific District Labor)	$10,000	$100	$8,000	$800	$0
Street Tree Trimming (Net of Estimated Interest)	4,948	0	5,821	757	0
Utilities	7,000	0	4,000	2,300	0
Grafitti Removal	131	11	154	20	0
Direct Expenses Subtotal	$22,078	$111	$15,974	$3,877	$0
ADMINISTRATION EXPENSES					
Personnel/Overhead (Net of Estimated Interest)	$1,266	$53	$1,192	$209	$0
Professional Fees (Net of Estimated Interest)	146	6	138	24	0
Miscellaneous/County Fees	147	107	155	110	0
Administration Expenses Subtotal	$1,559	$167	$1,484	$343	$0
COLLECTIONS/(CREDITS) APPLIED TO LEVY					
Total Fiscal Year 2013/2014 Direct and Administrative Expenses	$23,637	$277	$17,459	$4,220	$0
Capital Reserve Collection/(Transfer) - Proposed	0	0		0	0
Operating Reserve Funds Collection/(Transfer)	370	(93)	(14,272)	(1,812)	0
Other Revenue / General Fund Collection/(Transfer)	0	0	0	0	0
Total Adjustments	$370	($93)	($14,272)	($1,812)	$0
BALANCE TO LEVY FISCAL YEAR 2013/2014:	$24,007	$184	$3,187	$2,408	$0
DISTRICT STATISTICS					
Total Parcels	90	7	104	14	4
Total Parcels Levied	85	7	100	13	1
Total Equivalent Benefit Unit (EBU)	85.00	7.00	100.00	13.00	98.00
2013/2014: Levy Rate per EBU	$282.42	$26.30	$31.86	$185.24	$0.00
2013/2014: Maximum Levy Rate per EBU with HOA Credit (7)(8)	N/A	N/A	N/A	N/A	N/A
2013/2014: Maximum Levy Rate per EBU without HOA Credit (7)(8)	$385.94	$26.32	$228.97	$185.26	$310.56
Total Assessment Allowable	$32,805	$184	$22,897	$2,408	$30,435
2012/2013: Levy Rate per EBU	$67.90	$25.30	$0.00	$178.12	$0.00
2012/2013: Total Levy	$5,772	$177	$0	$2,316	$0
DISTRICT FUNDS:					
Estimated Reserve Fund Beginning Balance 7/1/2013	$5,738	($706)	$25,911	($2,897)	$24,010
2013/2014: Reserve Fund Adjustments	370	(93)	(14,272)	(1,812)	0
Anticipated Reserve Balance 6/30/2014	6,107	(799)	11,639	(4,708)	24,010
Beginning CIP Fund Balance 7/1/2013	$10,228	$0	$0	$0	$1,700
CIP Fund Adjustments	0	0	0	0	0
Anticipated CIP Balance 6/30/2014	10,228	0	0	0	1,700
Estimated Percentage of Improvements Maintained	100%	100%	100%	100%	0%
HISTORICAL RATES:					
Fiscal Year 2011/12	N/A	24.30	27.20	171.28	N/A
Fiscal Year 2010/11	37.73	23.40	98.44	164.69	N/A
Fiscal Year 2009/10	32.73	22.48	175.84	73.20	N/A
Fiscal Year 2008/09	293.28	21.63	174.00	152.27	255.26
Fiscal Year 2007/08	282.00	20.00	N/A	140.78	N/A
Fiscal Year 2006/07	N/A	N/A	N/A	N/A	N/A
Fiscal Year 2005/06	N/A	N/A	N/A	N/A	N/A

Notes

(1) Fund Number 68-2406 consists of Districts 1, 2, 3, 4, 5 ,6 ,7 ,8 ,9, 9-1, 10, 11, 12, 13, 14, 15, 16, 17, 17-1 & 18,

(2) Fund Number 68-2410 consists of Districts 19, 19-1, 19-2, 19-3, 19-6, 19-7 & 19-10.

(3) The levy rates for these Districts are not per EBU/parcel, but are apportioned per Unit of

(4) Lot 120 of Tract No. 31796 has been designated as a detention basin lot. If in the future Lot 120 is no longer designated as detention basin lot, and is developed and/or subdivided, Lot No.

(5) The Vernal Pool, identified as Lot N within Tract 31808, is proposed to be maintained by the established HOA, resulting in an additional credit to the annual assessment for LMD 47

(6) For the periodic rehabilitation/replacement of landscape

(7) Portion of the landscape maintenance is currently being maintained by the HOA for District

(8) There is an allowable 4% inflator applied to Maximum Levy Rate with exception to the Slight variances due to rounding

DISTRICT DESCRIPTION	RANCHO DIAMONTE	SALVATION ARMY	SEVEN HILLS APTS	PRINCE OF PEACE	HABITAT FOR HUMANITY
DISTRICT NO.	47	51	52	53	54
COUNTY FUND NO.	68-8646	68-8650	68-8652	68-8653	68-8655
CITY ACCOUNT NO.	228-8292, 0173	228-0176		228-0177	228-0178
TRACT/PARCEL MAP NO.	TR 31807, 31807-1, 31808, 31808-1, &31808-2 (5)		Dormant District	Dormant District	
2013/2014:					
DIRECT EXPENSES					
Landscape Maintenance (Contracts or Specific District Labor)	$20,000	$0	$0	$0	$1,500
Street Tree Trimming (Net of Estimated Interest)	16,676	0	0	0	61
Utilities	35,000	0	0	0	1,000
Graffiti Removal	440	0	0	0	2
Direct Expenses Subtotal	$72,117	$0	$0	$0	$2,562
ADMINISTRATION EXPENSES					
Personnel/Overhead (Net of Estimated Interest)	$1,995	$0	$0	$0	$96
Professional Fees (Net of Estimated Interest)	461	0	0	0	11
Miscellaneous/County Fees	214	0	0	0	107
Administration Expenses Subtotal	$2,671	$0	$0	$0	$213
COLLECTIONS/(CREDITS) APPLIED TO LEVY					
Total Fiscal Year 2013/2014 Direct and Administrative Expenses	$74,787	$0	$0	$0	$2,776
Capital Reserve Collection/(Transfer) - Proposed		0	0		0
Operating Reserve Funds Collection/(Transfer)	(74,787)	(0)	0	0	(539)
Other Revenue / General Fund Collection/(Transfer)	0	0	0	0	0
Total Adjustments	($74,787)	($0)	$0	$0	($539)
BALANCE TO LEVY FISCAL YEAR 2013/2014:	$0	$0	$0	$0	$2,236
DISTRICT STATISTICS					
Total Parcels	226	1	4	1	6
Total Parcels Levied	216	1	4	1	6
Total Equivalent Benefit Unit (EBU)	573.00	4.23	31.77	8.46	1.04
2013/2014: Levy Rate per EBU	$0.00	$0.00	$0.00	$0.00	$2,150.12
2013/2014: Maximum Levy Rate per EBU with HOA Credit (7)(8)	$669.02	N/A	$0.00	N/A	N/A
2013/2014: Maximum Levy Rate per EBU without HOA Credit (7)(8)	$2,643.62	$4,578.39	$0.00	$1,699.49	$4,461.37
Total Assessment Allowable	$383,351	$19,367	$0	$14,378	$4,640
2012/2013: Levy Rate per EBU	$0.00	$0.00	$154.88	$0.00	$0.00
2012/2013: Total Levy	$0	$0	$4,920	$0	$0
DISTRICT FUNDS:					
Estimated Reserve Fund Beginning Balance 7/1/2013	$154,725	$2,748	$4,814	$0	$3,057
2013/2014: Reserve Fund Adjustments	(74,787)	(0)	0	0	(539)
Anticipated Reserve Balance 6/30/2014	79,938	2,748	4,814	0	2,518
Beginning CIP Fund Balance 7/1/2013	$15,400	$0	$0	$0	$0
CIP Fund Adjustments	0	0	0	0	0
Anticipated CIP Balance 6/30/2014	15,400	0	0	0	0
Estimated Percentage of Improvements Maintained	50%	0%	0%	0%	100%
HISTORICAL RATES:					
Fiscal Year 2011/12	N/A	4,232.98	1,571.28	4,124.79	1,661.93
Fiscal Year 2010/11	N/A	N/A	N/A	N/A	N/A
Fiscal Year 2009/10	N/A	N/A	N/A	N/A	N/A
Fiscal Year 2008/09	528.74	N/A	N/A	N/A	N/A
Fiscal Year 2007/08	N/A	N/A	N/A	N/A	N/A
Fiscal Year 2006/07	N/A	N/A	N/A	N/A	N/A
Fiscal Year 2005/06	N/A	N/A	N/A	N/A	N/A

Notes

(1) Fund Number 68-2406 consists of Districts 1, 2, 3, 4, 5 ,6 ,7 ,8 ,9, 9-1, 10, 11, 12, 13, 14, 15, 16, 17, 17-1 & 18.

(2) Fund Number 68-2410 consists of Districts 19, 19-1, 19-2, 19-3, 19-6, 19-7 & 19-10.

(3) The levy rates for these Districts are not per EBU/parcel, but are apportioned per Unit of

(4) Lot 120 of Tract No. 31796 has been designated as a detention basin lot. If in the future Lot 120 is no longer designated as detention basin lot, and is developed and/or subdivided, Lot No.

(5) The Vernal Pool, identified as Lot N within Tract 31808, is proposed to be maintained by the established HOA, resulting in an additional credit to the annual assessment for LMD 47

(6) For the periodic rehabilitation/replacement of landscape

(7) Portion of the landscape maintenance is currently being maintained by the HOA for District

(8) There is an allowable 4% inflator applied to Maximum Levy Rate with exception to the Slight variances due to rounding

DISTRICT DESCRIPTION DISTRICT NO. COUNTY FUND NO. CITY ACCOUNT NO. TRACT/PARCEL MAP NO.	SAHARA / OASIS SENIOR VILLAS 55 68-8657 228-0179	TOTAL
2013/2014:		
DIRECT EXPENSES		
Landscape Maintenance (Contracts or Specific District Labor)	$0	$822,956
Street Tree Trimming (Net of Estimated Interest)	725	$602,836
Utilities	0	$542,113
Grafitti Removal	19	$62,560
Direct Expenses Subtotal	$744	$2,030,465
ADMINISTRATION EXPENSES		
Personnel/Overhead (Net of Estimated Interest)	$41	$280,947
Professional Fees (Net of Estimated Interest)	10	$18,097
Miscellaneous/County Fees	105	$13,012
Administration Expenses Subtotal	$155	$312,056
COLLECTIONS/(CREDITS) APPLIED TO LEVY		
Total Fiscal Year 2013/2014 Direct and Administrative Expenses	$899	$2,342,521
Capital Reserve Collection/(Transfer) - Proposed	0	$0
Operating Reserve Funds Collection/(Transfer)	6,561	($540,370)
Other Revenue / General Fund Collection/(Transfer)	0	$0
Total Adjustments	$6,561	($540,370)
BALANCE TO LEVY FISCAL YEAR 2013/2014:	$7,460	$1,802,151
DISTRICT STATISTICS		
Total Parcels	2	20,562
Total Parcels Levied	2	20,220
Total Equivalent Benefit Unit (EBU)	4.15	968,973
2013/2014: Levy Rate per EBU	$1,797.54	
2013/2014: Maximum Levy Rate per EBU with HOA Credit(7)(8)	N/A	
2013/2014: Maximum Levy Rate per EBU without HOA Credit (7)(8)	$1,797.55	
Total Assessment Allowable	$7,460	$3,670,269
2012/2013: Levy Rate per EBU	$1,607.42	$365,654.70
2012/2013: Total Levy	$6,671	$1,517,467
DISTRICT FUNDS:		
Estimated Reserve Fund Beginning Balance 7/1/2013	$13,099	
2013/2014: Reserve Fund Adjustments	6,561	
Anticipated Reserve Balance 6/30/2014	19,660	
Beginning CIP Fund Balance 7/1/2013	$0	
CIP Fund Adjustments	0	
Anticipated CIP Balance 6/30/2014	0	
Estimated Percentage of Improvements Maintained	50%	
HISTORICAL RATES:		
Fiscal Year 2011/12		
Fiscal Year 2010/11	N/A	
Fiscal Year 2009/10	N/A	
Fiscal Year 2008/09	N/A	
Fiscal Year 2007/08	N/A	
Fiscal Year 2006/07	N/A	
Fiscal Year 2005/06	N/A	

Notes

(1) Fund Number 68-2406 consists of Districts 1, 2, 3, 4, 5 ,6 ,7 ,8 ,9, 9-1, 10, 11, 12, 13, 14, 15, 16, 17, 17-1 & 18.

(2) Fund Number 68-2410 consists of Districts 19, 19-1, 19-2, 19-3, 19-6, 19-7 & 19-10.

(3) The levy rates for these Districts are not per EBU/parcel, but are apportioned per Unit of

(4) Lot 120 of Tract No. 31796 has been designated as a detention basin lot. If in the future Lot 120 is no longer designated as detention basin lot, and is developed and/or subdivided, Lot No.

(5) The Vernal Pool, identified as Lot N within Tract 31808, is proposed to be maintained by the established HOA, resulting in an additional credit to the annual assessment for LMD 47

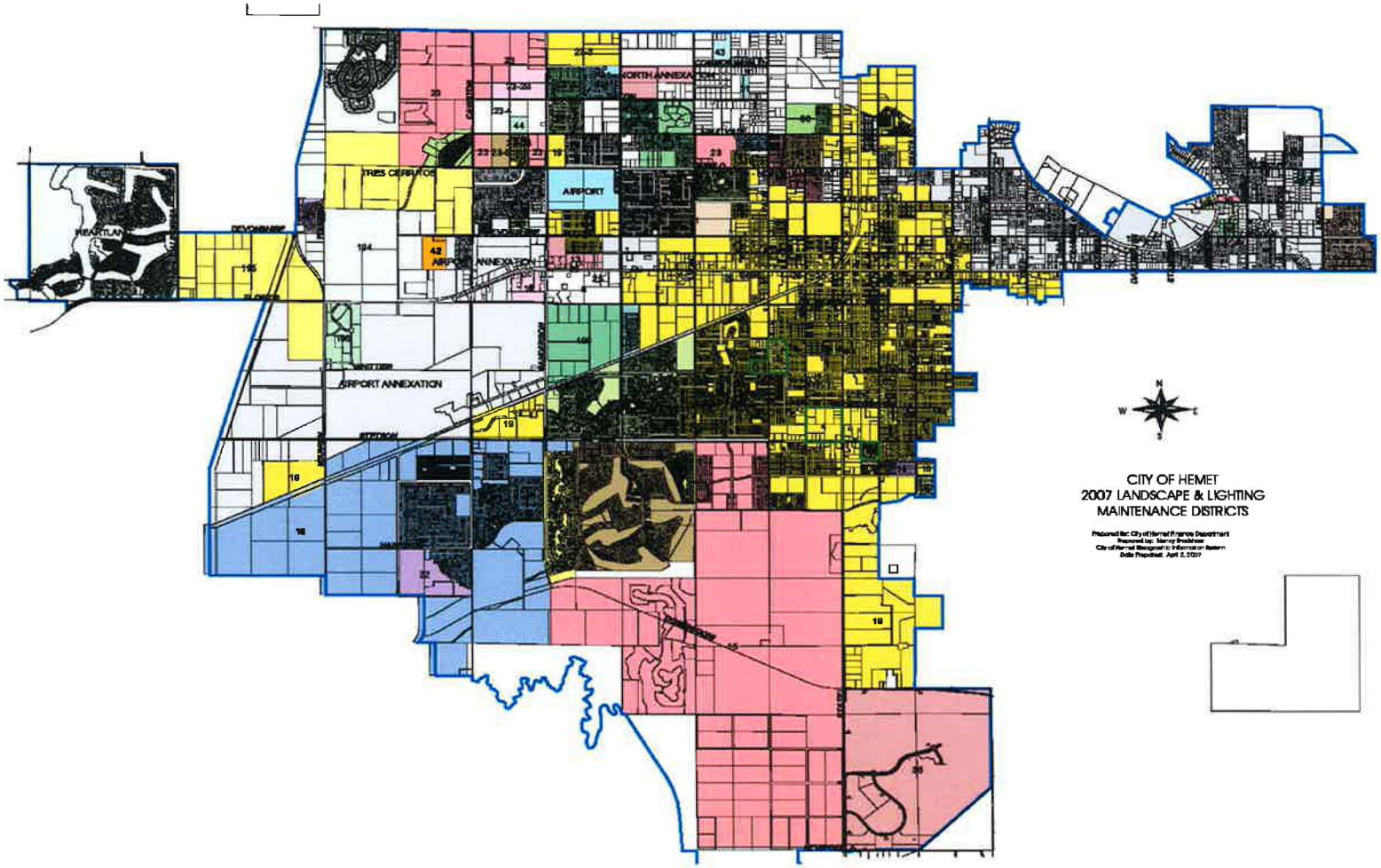
(6) For the periodic rehabilitation/ replacement of landscape

(7) Portion of the landscape maintenance is currently being maintained by the HOA for District

(8) There is an allowable 4% inflator applied to Maximum Levy Rate with exception to the Slight variances due to rounding

V. APPENDIX A – ASSESSMENT DIAGRAM

For general reference purposes, a rendering of the Districts' boundaries is presented herein. More detailed Assessment Diagrams are on file with the City Engineer and made part of this report by reference. The lines and dimensions of each lot or parcel within the Districts are those lines and dimensions shown on the maps of the Assessor of the County of Riverside, for the year when this Report was prepared, and are also incorporated by reference herein and made part of this Report.



VI. APPENDIX B – ASSESSMENT ROLL

Parcel identification, for each lot or parcel within the District, shall be the parcel as shown on the Riverside County Assessor's map for the year in which this Report is prepared. The land use classification for each parcel is based on the Riverside County Assessor's Roll. A listing of parcels assessed within this District, along with the proposed assessment amounts, shall be submitted to the City Clerk, under a separate cover, and by reference is made part of this Report.

Non-assessable lots or parcels may include areas of public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas and rights-of-ways including public greenbelts and parkways; utility rights-of-ways; common areas; landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment. Properties outside the District boundary receive no direct or special benefits from the improvements provided by the District and are not assessed.

Approval of this Report (as submitted or as modified) confirms the method of apportionment and the maximum assessment rate to be levied against each eligible parcel and thereby constitutes the approved levy and collection of assessments for the fiscal year. The parcels and the amount of assessment to be levied shall be submitted to the County Auditor/Controller and included on the property tax roll for the fiscal year.

If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amount applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

AGENDA # 12

Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: David M. Brown, Chief of Police; Ronald E. Bradley, Interim City Manager

DATE: June 25, 2013

RE: Authorization for Cooperative Agreement – Memorandum of Understanding with California Highway Patrol (CHP)

RECOMMENDATION:
It is respectfully recommended that the City Council authorize the Interim City Manager to enter into a Memorandum of Understanding with the California Highway Patrol on behalf of the Hemet Police Department for enhanced traffic enforcement on SR-74 I(Florida Avenue) within the Hemet City limits. The total budget shall not exceed $195,000.

BACKGROUND:
On April 9, 2013 The police department presented a Crime and Safety Plan that included several short and long term recommendations to improve community safety and reduce crime. A key component of the short term plan was to enlist the California Highway Patrol to enhance traffic enforcement and accident investigation on SR-74. The goals of the proposal are to reduce traffic collisions and deter crime by deploying highly visible enforcement units during "peak" hours.

DISCUSSION/ANALYSIS:
The proposed MOU will provide 80 hours of highly visible traffic enforcement per week along SR-74 (Florida Avenue) in the city of Hemet. The initial operation will last 6 months with a re-evaluation and possible 6 month extension. The CHP has agreed to charge a "straight-time" reimbursement rate of $40.40/hr., in order to allow for maximum coverage within the established budget.

The CHP has successfully conducted similar operations in communities throughout the State of California. The CHP is committed to their mission to "assist allied agencies" in mutual and joint operations. Under the provisions of this MOU the CHP will have primary responsibility for traffic enforcement and accident investigation on SR-74 (Florida Avenue) within the Hemet city limits from 1000 hours to 2200 hours, Monday through Friday. The first 6 month phase of the operation will commence on July 1, 2013. Both agencies will evaluate the operation and make recommendations regarding an additional 6 month operation.

COORDINATION AND REVIEW:
The police department command staff has meet with the CHP Border Division Chief and Pass area commanders to ensure that the provisions of the MOU are mutually agreeable and beneficial. During the course of the operation, command staff from both agencies will meet regularly to discuss operational issues in order to ensure maximum efficiency and results.

INTEGRATION OF CITY COUNCIL GOALS:
The Hemet City Council has established public safety as the primary responsibility of the city. At the April 9, 2013 city council meeting, the council unanimously supported the Crime and Safety Plan, including the CHP cooperative agreement concept, and gave direction to draft an agreement and return for approval. The CHP cooperative agreement is an integral part of the plan and supports the stated goals of reducing crime and the fear of crime.

FISCAL IMPACT:
The recommended budget for both phases (12 months) of the agreement is not to exceed $195,000. This amount is included in the police department's preliminary budget for FY 2013-14.

Respectfully submitted,	Approved as to form:	Fiscal Review:
David M. Brown Chief of Police	Eric S. Vail City Attorney	Rita Conrad Deputy City Manager/ Administrative Services

MEMORANDUM OF UNDERSTANDING
CALIFORNIA HIGHWAY PATROL/HEMET
JOINT OPERATION
JULY 1, 2013-DECEMBER 31, 2013

This is a Memorandum of Understanding (MOU) between the City of Hemet (signatory agency) and the California Highway Patrol (CHP) San Gorgonio Pass Area.

I. PURPOSE

The purpose of this MOU is to establish an agreement between the signatory agency and the CHP to assume traffic enforcement and investigation responsibilities within the city limits of Hemet on State Route 74, otherwise known as Florida Avenue, between the hours of 1000 to 2000 Monday through Friday. This will be accomplished by deploying two (2) CHP units during these hours of operation. The signatory may request the times be expanded as the need arise to include occasional weekend and special enforcement activities

II. PROCEDURES

As part of the California Highway Patrol's mission to assist allied agencies, the CHP will deploy uniformed officers during the aforementioned time periods. These units will be responsible for handling all traffic related incidents including Traffic Collisions, DUI's, and Vehicle Code Enforcement. Dates for CHP deployment have already been established with the option to change the dates as deemed necessary by both parties. After the initial six month period there will be an evaluation of the effectiveness of the operation and any extensions will be agreed upon by City of Hemet and the CHP.

CHP will provide copies of enforcement documents generated, Arrest Reports, and Field Identification (FI) cards, to the Hemet Police Department.

CHP will provide copies of all traffic collisions investigated to the Hemet Police Department. The traffic collisions will be documented as courtesy reports.

All CHP personnel shall adhere to CHP policies and procedures and remain under CHP supervision throughout the operations.

When an arrest or preliminary investigation indicates one or more of the following, San Gorgonio Pass CHP personnel will notify and request the signatory agency respond and handle:

i. Detention/Arrest of suspects related to crimes requiring extensive follow-up investigation by the Hemet Police Department or other law enforcement agency (for example, homicide, burglary, robbery, vandalism, etc.). These decisions should be made in consultation with respective supervision of both agencies. The default handling agency will be the Hemet Police Department.

ii. Detention/Arrest of any suspects wanted by the Hemet Police. (other than warrants in the NCIC or county warrant bank)

III. EXPECTATION

When the Hemet Police Department is notified of investigations which meet the aforementioned criteria, it is the expectation of the CHP that the signatory agency will accomplish the following:

i. "The Hemet Police Department shall take full control of the scene and any detained or arrested subjects and assume responsibility for all aspects of the criminal investigation. The local CHP unit initiating the investigation shall provide a detailed statement or written report of the activities and observations that led to the detention/arrest. Furthermore, the Hemet Police Department agency shall respond and arrive at the scene of the local CHP unit within the jurisdiction of the signatory agency within 30 minutes of notification.

IV. DURATION AND TERMINATION PROVISIONS

Any party to this agreement desiring to terminate its participation shall notify each signatory to this agreement in writing of their intent to withdraw. Withdrawal from participation in this agreement shall not take effect less than thirtydays from the date of said notification.

The parties evidenced by their signatures hereto, agree that this MOU shall be effective upon approval and shall remain in full force and effect until any party withdraws from participation. It is further acknowledged by all parties that certain portions of this agreement may require amendments during the term of this MOU if their governing bodies so direct.

If any provision of this MOU is held invalid or unconstitutional, such decision shall have no effect on the validity of the remaining provisions of the MOU, and such remaining provisions shall continue to remain in full force and effect.

V. REIMBURSEMENT AND BILLING PROVISIONS

The CHP will invoice the Hemet Police Department on a monthly basis for reimbursement for hours actually worked under the provisions of this MOU. The hourly billing rate shall be $40.40 (forty dollars and forty cents per hour). The CHP will include a detailed daily log verifying hours worked by each officer assigned to the operation.

The Hemet Police Department agrees to reimburse the CHP within 30 calendar days of the invoice date.

AGREED HERETO BY ALL PARTIES WHOSE SIGNATURES APPEAR BELOW:

Ronald E. Bradley, Interim City Manager
City of Hemet

6-13-13
Date

Dave Brown, Chief of Police
Hemet Police Department

6/13/13
Date

Jim Abele, Chief
California Highway Patrol
Border Division

Date

#13

CITY OF HEMET
Hemet, California
ORDINANCE BILL NO. 13-014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA ADDING CHAPTER 67 TO THE HEMET MUNICIPAL CODE PROVIDING STANDARDS FOR GRADING, SEDIMENT, AND EROSION CONTROL

WHEREAS, the City of Hemet ("City"), pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws which promote the public health, safety and general welfare of its residents; and

WHEREAS, the City Council of the City ("City Council") seeks to safeguard the public welfare, life and property of the City's residents; and

WHEREAS, the City Council further seeks to avoid the discharge of sediments, pollutants, wastes and hazardous materials from entering public or private storm drains and surface waters; and

WHEREAS, the City Council further seeks to ensure compliance with the requirements of the City's General Plan and Municipal Code.

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

SECTION 1: ADDITION OF CHAPTER 67 TO THE HEMET MUNICIPAL CODE. Chapter 67 is hereby added to the Hemet Municipal Code, and shall read as shown in Exhibit "A" hereto.

SECTION 2: CEQA FINDINGS. The adoption of this Ordinance is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that this project would not have a significant effect on the environment. This Ordinance requires persons interested in grading within the City to

apply for and obtain a permit. It does not approve any particular uses, and application for any related development will undergo CEQA review.

SECTION 3: SEVERABILITY.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days from its passage by the City Council.

SECTION 5: PUBLICATION.

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

INTRODUCED at the regular meeting of Hemet City Council on June 11, 2013.

APPROVED AND ADOPTED this 25th day of June, 2013.

Robert Youssef, Mayor

ATTEST:

Sarah McComas, City Clerk

APPROVED AS TO FORM:

Eric S. Vail, City Attorney

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Ordinance was introduced and first read on the ___ day of _____, 2013, and had its second reading at the regular meeting of the Hemet City Council on the _____ day of _____, 2013, and was passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
Sarah McComas, City Clerk

EXHIBIT "A"

CHAPTER 67 - GRADING, SEDIMENT AND EROSION CONTROL

Sec. 67-1 – General Provisions
Sec. 67-2 – Definitions
Sec. 67-3 – Authority of City Engineer
Sec. 67-4 – Permit Required
Sec. 67-5 – Permit Exceptions
Sec. 67-6 – Grading Permits
Sec. 67-7 – Appeals
Sec. 67-8 – Grading, Erosion and Sediment Control Securities
Sec. 67-9 – Responsibility of Permitee
Sec. 67-10 – Time of Grading Operations
Sec. 67-11 – Import and Export of Earth Materials
Sec. 67-12 – Contractor Qualifications
Sec. 67-13 – Right of Entry
Sec. 67-14 – Protection of Utilities
Sec. 67-15 – Debris on Public and Private Streets
Sec. 67-16 – Disposal of Materials
Sec. 67-17 – Grading Standards
Sec. 67-18 – Erosion and Sediment Control
Sec. 67-19 – Hazardous Conditions
Sec. 67-20 – On-Site Grading Inspections
Sec. 67-21 – Change of Engineer or Contractor
Sec. 67-22 – Completion of Work
Sec. 67-23 – Violations and Penalties

67-1 GENERAL PROVISIONS

A. Purpose and Scope

The purpose of this Chapter is to regulate grading activity within the City of Hemet to safeguard the public welfare, life and property. This Chapter establishes rules and regulations to avoid the discharge of sediments, pollutants, wastes, and hazardous materials into public or private storm drains and surface waters from land clearing and related activities. This Chapter establishes procedures for the issuance and enforcement of grading permits.

B. Grading Standards

The City Engineer shall prepare the "City of Hemet Grading and Erosion Control Standards" setting forth administrative procedures and technical requirements implementing this Chapter. The City Engineer shall have the authority to update and revise these standards as necessary.

67-2 DEFINITIONS

The following terms shall have the meanings provided in this section, unless the context clearly indicates otherwise.

"Applicant" means any individual, corporation or partnership, public agency or any other legal entity who submits an application for a grading permit under this Chapter.

"Approved Plans" means grading plans that bear the signature of the City Engineer.

"ASTM" means the American Society for Testing Materials.

"Backfill" means re-filling an area that has been excavated.

"Best Management Practices" or "BMPs" means activities defined in 40 CFR 122.2, as such regulation may be amended from time to time, to prevent or reduce the pollution of the waters of the United States.

"*California Building Code*" means the version of the California Building Code in effect in the City, as it may be amended by the City from time to time.

"City Engineer" means the Director of Engineering/City Engineer of the City of Hemet, or his/her duly delegated representative.

"Clearing and Grubbing" or "*Clearing*" means the removal of vegetation (brushes, trees, grass, and other plants), weeds, manmade structures, rocks, and other materials from land by any means for the purpose of developing a site.

"Compaction" means the densification of soils by mechanical or other approved means.

"Construction General Permit" is the permit issued by the State Water Resources Control Board establishing waste discharge requirements for discharges of storm water runoff associated with construction and land disturbance activities, as such permit may be amended from time to time.

"Construction Site" or "*Site*" means the location of any development project that requires a grading permit.

"Cut" or "Excavation" means the activity by which soil, rock, gravel or sand is removed, cut into, dug, quarried or relocated.

"Emergency" means a condition that constitutes a serious and immediate threat to the public health, safety or welfare.

"Engineer of Record" means the registered professional engineer who supervised and signed the grading plan approved by the City Engineer.

"Erosion" means the process by which the surface of the earth is worn away as a result of water or wind action.

"Erosion and Sediment Control Plan" is a plan prepared under the supervision of and signed by a Civil Engineer showing the protection of the construction site from erosion and the protection of storm drains, driveways and streets from runoff.

"Fault" means a fracture in the earth's crust along which movement has occurred. A fault is considered active, as defined by the California Division of Mines and Geology, if the movement has occurred within the last eleven thousand (11,000) years.

"Fill" means the placement of soil, sand, gravel, rock, or other material for building up the level of an area of ground.

"Fugitive Dust" means particulate matter in the air due to manmade sources as determined by South Coast Air Quality Management District Rule 403, as such rule may be amended from time to time.

"Geologic Hazard" means any geologic feature capable to cause physical injury or structural damage. Such hazard may include, but are not limited to, slope instability, landslide, liquefaction, seismicity, ground fracture, seepage, etc.

"Geotechnical Report" means a report prepared under the supervision of, and signed by a registered geotechnical engineer and approved by the City Engineer.

"Grade" or "*Slope*" means the vertical elevation of the ground, as follows:

a. *Natural Grade:* The grade of unaltered ground surface.

b. *Existing Grade:* The grade of the ground surface prior to any grading activity pursuant to approved plans.

c. *Rough Grade:* The grade of the ground surface after work is completed in conformance with the approved plans, but without hard surfaces.

d. *Finish Grade:* The grade of the ground surface after work is completed in conformance with the approved plans, including hard surfaces.

"Grading" means any earth moving activity including, but not limited to, excavation, filling, stockpiling, or clearing and grubbing.

"Grading Standards" means the City of Hemet Grading and Erosion Control Standards prepared and maintained by the City Engineer.

"Greenbook Standards" means those standards articulated in the current edition of the Standard Specifications for Public Works Construction, published by Public Works Standards, Inc.

"Maximum Extent Practicable (MEP)" means the standards established by Congress in Clean Water Act Section 402(p)(3)(B)(iii) applicable to operators of MS4 permits.

"Municipal Separate Storm Sewer System (MS4)" means a storm water conveyance system, including roads, ditches, channels, catch basins, curbs and gutters, and storm drains, owned and/or operated by the City of Hemet.

"National Pollution Discharge Elimination System (NPDES)" means the national program for issuing, modifying, monitoring, enforcing, modifying and revoking permits, under Sections 307, 318, 402, and 405 of the Clean Water Act.

"Natural Terrain" means the condition of land prior to any disturbance due to grading or other artificial process.

"Owner" means a person who owns a construction site.

"Permit" or "*Grading Permit*" means any rough grading permit, precise grading permit or stockpile permit issued by the City in compliance with this Chapter.

"Permitee" means any person to whom a permit is issued under this Chapter.

"Person" means any individual, firm, association, organization, partnership, business trust, corporation, company or other entity.

"Pollutant" means any substance that may cause or contribute to the degradation of water quality.

"Precise Grading Permit" means a permit that is issued on the basis of approved plans that show the precise location of buildings, structures, drainage devices, finished elevations, and other on-site improvements for a particular site.

"Quarrying" means the removal and extraction of rock, stone, sand, or similar materials from an open excavation for commercial purposes.

"Regional Water Quality Control Board (RWQCB)" means the Santa Ana Regional Water Quality Control Board.

"Retaining Wall" means a structure designed to resist lateral displacement of any material. Retaining walls require a separate permit from the Community Development Department's Building Division.

"*Rough Grading Permit*" means a permit that is issued on the basis of approved plans that show interim building pads and drainage elevations.

"South Coast Air Quality Management District (SCAQMD)" means the regulatory agency for all portions of Los Angeles, Orange, Riverside and San Bernardino Counties that oversees air pollution emissions generated by construction activities, including fugitive dust.

"State Water Resources Control Board (SWRCB)" means the regulatory authority that develops statewide water protection policies, allocates water rights, and establishes water quality standards.

"Stockpile" or "*Stockpiling*" means a temporary uncompacted fill placed by artificial means.

"Stockpile Permit" means a permit issued by the City Engineer which allows for the stockpiling of fill for a period of time not to exceed six months.

"Storm Water Pollution Prevention Plan (SWPPP)" means the document required by the Construction General Permit describing the BMPs that will be implemented to protect storm water runoff.

"Terrace" means a step constructed in the face of a slope for drainage and maintenance purposes.

"Watercourse" means a permanent or intermittent stream of surface water, whether natural or manmade.

"Watershed" means a geographical area that drains to a specific point.

"Wet Season" means the period of time from October 1st through April 30th.

"Water Quality Management Plan (WQMP)" means a plan submitted for City's approval addressing post-construction measures to mitigate storm water pollution generated by a development.

67-3 AUTHORITY OF CITY ENGINEER

The City Engineer is authorized and directed to enforce the provisions of this Chapter. The City Engineer shall have the authority to render interpretations of this Chapter and to adopt Grading Standards in order to clarify the application of this Chapter.

67-4 PERMIT REQUIRED

Except as provided in Section 67-5, no person shall conduct any grading on a site without a permit from the City issued in accordance with this Chapter.

67-5 PERMIT EXCEPTIONS

Grading permits are not required for the following operations:

A. An excavation that does not exceed fifty (50) cubic yards and that satisfies either of the following:

   1. The excavation is less than two (2) feet in vertical depth; or,

2. The excavation does not create a slope greater than five (5) feet in vertical height and steeper than two (2) horizontal feet for every one (1) vertical foot.

B. A fill that does not exceed fifty (50) cubic yards and that satisfies all of the following:

1. The fill is less than one (1) foot in vertical height,

2. The fill is placed on a natural grade with a slope flatter than five (5) horizontal feet to one (1) vertical foot, and

3. The fill does not obstruct any drainage course.

C. A fill that does not exceed fifty (50) cubic yards and that satisfies all of the following:

1. The fill is lower than three (3) feet in vertical height,

2. The fill is not intended to support structures or mobile homes,

3. The fill does not obstruct any drainage course.

D. An excavation below the finish grade for re-compaction purposes that either of the following:

1. The excavation is within five (5) feet of the footings of any existing building, or

2. The excavation is for a basement and footings for new construction, including mobile homes, retaining walls, wells, septic systems, or other structures with a valid building permit.

E. Exploratory excavations conducted under the direction of a licensed professional civil engineer, geotechnical engineer, geologist, archaeologist or paleontologist, provided all excavations are properly backfilled or otherwise restored.

F. Excavation and backfill for installation of underground utilities by public agencies or private companies operating under the authority of a franchise and/or an encroachment permit.

G. Grading by public agencies or their agents for the construction and maintenance of roads or facilities for the generation, storage or transmission of electricity or water, including storm water. Work may be subject to the preparation and implementation of a Water Quality Management Plan (WQMP).

H. Grading conducted by federal, state or local government, or by a local agency as defined by Government Code Sections 53090 to 53095 (special districts).

I. Mining, quarrying, excavating, processing, or stockpiling of rock, gravel, aggregate, sand or clay for commercial purposes by a person with a valid Conditional Use Permit from the City, provided that these operations do not alter the direction of, or contribute to sedimentation of, natural watercourses, and do not affect the lateral support of any adjacent properties.

J. Landfills that have all of the permits necessary to operate from the appropriate federal, state and local agencies.

K. Grading performed for agricultural purposes in connection with the raising of crops or animals, but not including grading for construction of buildings and/or structures.

L. Excavating and backfilling individual graves at a cemetery with a valid Conditional Use Permit from the City.

M. Clearing and grubbing done at the direction of the Fire Chief to mitigate a potential fire hazard, provided that the clearing and grubbing does not damage any rare, endangered or protected species of plants or animals, or their habitat, or archaeological or historical resources.

N. Routine clearing and grubbing for maintenance of existing landscaped areas, unless such areas are part of any waterway, floodway or floodplain, wetland, pond, vernal pool or riparian habitat, channel or lake.

67-6 GRADING PERMITS

A. Types of Grading Permits

1. *Rough Grading Permit:* The City Engineer may issue a rough grading permit upon completion of an application in accordance with this Chapter and Article 3.1 of the Grading Standards.

2. *Precise Grading Permit:* The City Engineer may issue a precise grading permit upon completion of an application in accordance with this Chapter and Article 3.1 of the Grading Standards.

3. *Stockpile Permit:* The City Engineer may issue a stockpile permit to allow stockpiling on a site for up to six (6) months, or longer if an extension is granted. The stockpiled materials may be compacted and used as fill on the site under a subsequently issued rough or precise grading permit.

B. Application Submittals

1. *Required Submittals:* To obtain a grading permit the applicant must submit the following:

a. *Application Form*: A completed application form furnished by the City Engineer.

b. *Fees*: Each application shall be accompanied by the corresponding fees and/or deposits set by resolution of the City Council.

c. *Plans and Specifications*: Each application shall be accompanied by the following documentation, which shall be kept current until the conclusion of the permitted activity:

i. engineering plans and specifications, signed by an Engineer of Record, prepared in accordance with Article 4.1 of the Grading Standards;

ii. an erosion and sediment control plan prepared in accordance with Article 10 of the Grading Standards;

iii. a geotechnical report prepared in accordance with Article 4.1 of the Grading Standards;

iv. proof of application for coverage under the State Water Resources Control Board's NPDES permit for construction activities; and

v. all other information required by the City Engineer as indicated in Article 3.1 of the Grading Standards.

2. *Additional Submittals:* The City Engineer may also require an applicant to submit one or more of the following documents depending on the nature of the project:

a. *Seismicity Report (Alquist-Priolo Earthquake Fault Zoning Act)*

A seismicity report shall be required as a condition of issuance of a grading permit for all applications associated with subdivisions, projects that propose the development of critical and major structures as defined in the California Building Code, and all other projects that lay within an earthquake fault zone. Such report shall comply with the requirements of the Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code Section 2621 et seq.) and the provisions of Article 4.1(b) of the Grading Standards.

b. *Dust Prevention and Control Plan*

A dust prevention and control plan setting forth the procedures that will be used during construction activity to minimize wind borne particles. Even if the applicant is not required to submit a

dust prevention and control plan, all grading and related activity shall comply with AQMD's Rule 403 (Fugitive Dust Emissions), as such rule may be amended from time to time, and the provisions of Article 10 of the Grading Standards.

c. *Haul Route Plan*

When public roads are used to move construction materials from or to the site during grading operations, a haul route plan shall be required. Deviation from the designated routes shall constitute a violation of the conditions of the permit issued under this Chapter.

C. PERMIT ISSUANCE, EXPIRATION AND EXTENSION

1. *Permit Issuance*. The City Engineer shall issue a permit to an applicant if the City Engineer determines that the applicant has submitted a complete application form, paid the required fees and/or deposits, posted the required securities, and all of the required plans and specifications have been submitted and approved by the City Engineer. All permits shall be valid for a period of one hundred and eighty (180) days from the date of issuance unless an extension of time is granted.

2. *Expiration for Failure to Commence or Diligently Continue Work:*

   a. A permit shall automatically expire if the work authorized by the permit is not commenced within ninety (90) days from the date of issuance.

   b. A permit shall automatically expire if the work authorized by the permit is suspended or abandoned for a period of ninety (90) consecutive days after the work has commenced.

3. *Extensions of Time*. The City Engineer may extend the term of the permit upon written request by the applicant explaining the circumstances that have prevented or delayed the completion of the work. The City Engineer may, in his or her discretion, extend the life of the permit for a period of time not to exceed an additional one hundred and eighty (180) days. A request for an extension of time shall be submitted not later than sixty (60) days prior to the expiration of the permit. Only one extension of time may be granted per permit.

D. Denial of Permit

A permit shall not be issued if any of the following apply

1. The applicant fails to submit a complete application form;

2. The submitted plans and specifications do not comply with the requirements of this Chapter and the Grading Standards;

3. The securities required in Section 67-8 have not been posted;

4. The application contains false or misleading information;

5. The applicant fails to pay all required fees and/or deposits.

6. There is a moratorium, court order, injunction, or any other legal order prohibiting the issuance of the permit;

7. The City Engineer finds that the proposed work may

    a. Create any hazard to person or property;

    b. Adversely interfere with existing drainage courses;

    c. Expose any property to landslide or other geologic hazard;

    d. Damage or endanger any environmentally sensitive species, habitat, rocks and/or archeological artifacts;

    e. Cause erosion, flooding or deposit of materials on any other property or public or private roads;

    f. the proposed work is inconsistent with the General Plan, this Code, or an approved subdivision map.

E. **Permit Not Transferrable**

A permit is not transferrable upon a change of ownership of the site. If a change of ownership occurs after a permit has issued but before the work is complete, a new permit shall be required for completion of the work under the new ownership.

F. **Modifications to Permit**

If changes are made to the approved plans and specifications after a permit has issued, any additional work, yardage and plan checking shall be charged to the applicant.

67-7 APPEALS

A. The applicant or any other person(s) not satisfied with the decision by the City Engineer in regards to issuance of a permit under this Chapter may file a written appeal to the City Clerk for a hearing by the City Council.

B. Any appeal shall be filed within three (3) business days following the City Engineer's decision on the permit application.

C. The City Clerk shall set a hearing to consider the appeal at the earliest possible regularly scheduled City Council meeting.

D. The City Council, after reviewing the pertinent documents and considering the testimonies may:

1. Uphold the City Engineer's decision; or

2. Reverse the City Engineer's decision, consistent with the requirements of this Chapter; or

3. Modify the City Engineer's decision, consistent with the requirements of this Chapter.

67-8 GRADING, EROSION AND SEDIMENT CONTROL SECURITIES

A. **Types of Securities:** A permit shall not issue unless the permitee first posts a security with the City comprised of a cash deposit, letter of credit, or a bond issued by a surety authorized to conduct business in the State of California, in the amount specified in Article 4.1 of the Grading Standards.

B. **Default in Performance of Conditions:** Whenever the City Engineer determines that a default has occurred in the performance of the terms and conditions of the permit, written notice shall be given to the permittee and, when applicable, to the surety. Such notice shall specify the work to be done, the estimated cost and the period of time the permittee has to complete the work. If the permittee does not complete the work in the time specified in the notice, the security posted by the permitee shall cover the payment of all necessary costs and expenses that may be incurred to complete the work.

C. **Emergency Work:** Whenever the City Engineer performs emergency work on a site, the permitee shall be liable for all direct and indirect costs incurred by the City to remedy the emergency to the City Engineer's satisfaction. The City may suspend the permit until the permitee posts a cash deposit to cover the City's costs or fully reimburses the City for its costs.

67-9 RESPONSIBILITY OF PERMITEE

The permitee shall be knowledgeable of the conditions and restrictions imposed by the permit. The permitee shall also be responsible to keep an approved copy of the grading plan in an accessible location on the site while grading operations are in progress.

67-10 TIME OF GRADING OPERATIONS

Grading is allowed Monday through Friday between the hours of 6:00 AM and 6:00 PM from June 1 through September 30, and between the hours of 7:00 AM and 6:00 PM from October 1 through May 31. Grading is allowed on Saturdays between the hours of 7:00 AM and 6:00 PM year round. Grading on Sundays is prohibited.

The City Engineer may extend the hours allowed for grading if he or she determines that such operations are not detrimental to the health, safety or welfare of the occupants of nearby structures, or the quiet enjoyment of nearby residential property.

67-11 IMPORT AND EXPORT OF EARTH MATERIALS

The hauling of soil, sand, gravel, rock, or other earthen material from or to the construction site on public roadways shall be subject to the following requirements:

A. The permitee shall be responsible for maintaining the public roadways so used free of dust, earth, or debris generated by the hauling. Water, dust palliative, or both shall be used to alleviate or prevent dust generated by loading and hauling to migrate onto public roadways.

B. Loading and hauling of soils, sand, gravel, rock , or other earthen materials from or to the site, shall be done within the hours established in Section 67-10.

C. Vehicles hauling soil, sand, gravel, rock or other earthen materials from or to the site shall only uses the points of ingress and egress to the site designated on the approved grading plan.

D. The grade of the first fifty (50) feet of an access road shall be three percent (3%) or less, measured from the point where the access road meets a public roadway.

E. A stop sign shall be posted at the point where an access road meets a public roadway.

F. Advanced warning signs with the words "Truck Crossing" shall be posted on the public roadway at locations approved by the City Engineer.

G. An import/export fee, set by resolution of the City Council, shall be paid for hauling from or to the site.

67-12 CONTRACTOR QUALIFICATIONS

All contractors performing work under a permit issued pursuant to this Chapter shall have all valid licenses and insurance required by the State of California and the Grading Standards.

67-13 RIGHT OF ENTRY

The owner or authorized agent of a site shall grant a right to entry into the site to the City for inspection, emergency work, or correction of work not performed in compliance with the conditions of the permit. The owner or authorized agent shall agree to indemnify the City for any claims or damages resulting from the City's entry into the site for any correcting or emergency work.

67-14 PROTECTION OF UTILITIES

A. The permitee shall be responsible for the prevention of damage to public utilities and services during grading operations. This responsibility applies to the site and along any haul routes.

B. The permitee shall take reasonable steps to coordinate the proposed excavation with all interested utility companies, agencies and districts.

67-15 DEBRIS ON PUBLIC AND PRIVATE STREETS

A permitee shall not throw, leave, place, dump, deposit or spill soil, sand, gravel, rock or other earthen materials on public roadways or any portion of the public right-of-way. The permitee shall be responsible for the complete removal and clean-up of such materials from the right-of-way.

If a permitee fails to immediately remove the debris, the City may cause the clean-up to be done and the cost of such clean-up shall be the responsibility of the permitee. The City Engineer may require an additional cash deposit from the permittee to insure the cleanup of public roadways and rights-of-way in the future.

67-16 DISPOSAL OF MATERIALS

The disposal of waste and recycling materials removed from the site during grading shall be in compliance with the state law and this Code.

67-17 GRADING STANDARDS

All grading shall conform to the requirement of the Grading Standards unless otherwise recommended by the geotechnical report and approved by the City Engineer. All precise grading shall be designed to provide accessibility to all entrances and exterior ground-floor exits and to normal paths of travel in accordance with California Disabled Access Regulations (California Code of Regulations, Title 24, Part 2), as such regulations may be amended from time to time.

67-18 EROSION AND SEDIMENT CONTROL

A. All erosion and sediment control plans shall conform to the requirements of the Grading Standards and meet the objectives and requirements of the Clean Water Act and its associated regulations, the City's MS4 permit, the Construction General Permit, NPDES requirements, and any other law, regulation, ordinance, permit or authorization applicable to activities authorized by the permit.

B. If the permitee does not install or maintain the erosion and sediment controls identified in the erosion and sediment control plan or as required by this Chapter, the City Engineer may order City crews to do the work or may issue contracts for such work. The security posted by the permitee shall cover the costs of performing this work, plus reasonable overhead. No work may be done on the site by the permitee except erosion and sediment control work until the security is replenished.

C. Erosion and Sediment Control Maintenance

1. Prior to and after each rainstorm, silt and debris shall be removed from check dams, desilting basins, curbs, gutters, streets, brow ditches, terrace drains, silt fences and other private and public storm water conveyance systems shall be dewatered to prevent overfilling between storm events.

2. Prior to and after each rainstorm, the erosion and sediment control system shall be evaluated and revised and repaired as necessary.

3. The permitee shall be responsible for and shall take necessary precautions to prevent public trespass onto areas where impounded water, due to erosion and sediment control devices, creates a hazardous condition.

67-19 HAZARDOUS CONDITIONS

A. Hazardous conditions exist when any grading activity occurs that creates a hazard to life or limb, or a danger to public safety, or endangers the safety, usability, or stability of adjacent property, structures or public facilities.

B. The City Engineer, or his/her designee, may examine or cause to be examined, every condition reported to the City as being hazardous.

C. Upon confirmation of a hazardous condition, the City Engineer shall provide written notification to the permitee requiring mitigation of the hazardous condition and the time frame for compliance. The notice shall inform the permitee that if the hazardous condition it not mitigated in the time frame given, the City Engineer may perform the work at the permittee's cost, and the permit may be suspended as provided for in paragraph D of this Section.

D. The permitee shall comply with any demand to correct a hazardous condition. In the event that remedial action is not completed within the period given, the City Engineer may perform the work. Whenever the City Engineer performs such work, the permitee shall be liable for all direct and indirect costs incurred by the City to remedy the hazardous condition to the City Engineer's satisfaction. The City may suspend the permit until the permitee posts a cash deposit to cover the City's costs or fully reimburses the City for its costs.

67-20 ON-SITE GRADING INSPECTIONS

A. All grading for which a permit is issued pursuant to the provisions of this Chapter shall be subject to inspection by the City Engineer to ensure the grading has been done in conformance with the approved plans and specifications. The City Engineer may also inspect the site prior to the approval of any permit to determine that the plans and specifications are current and reflect existing conditions.

B. If the City Engineer finds that the soil or other conditions are not as stated in the approved plans and soil or geology reports, the City Engineer may refuse to allow further work until a revised grading plan is submitted and approved.

C. If the City Engineer determines that any grading done does not comply with the terms of the permit, or this Chapter, the City Engineer may order the work stopped by notice in writing to the permitee.

D. Whenever any work on which inspections are required is covered or concealed by additional work without first having being inspected, the City Engineer may require by written notice, that such work be exposed for examination. The work of exposing and recovering shall be done at the permitee's sole expense.

67-21 CHANGE OF ENGINEER OR CONTRACTOR

If the Civil Engineer, Engineer of Record, the Geotechnical Engineer, the Engineering Geologist, or the contractor of record is changed during the course of the work, all grading shall be stopped until the permitee submits a letter to the City Engineer verifying the change of the responsible professional and the new responsible professional submits a letter in writing stating that he or she has reviewed all prior reports and/or plans (specified by date and title) and work performed by the prior responsible professional party, and that he or she concurs with the findings, conclusions and recommendations, and is satisfied with the work performed.

Notwithstanding the foregoing, where it is clear that the permitee contracted with a firm and not an individual engineer or geologist, the engineer or geologist may be replaced with another engineer and or geologist within the firm without having to comply with this Section.

67-22 COMPLETION OF WORK

The permitee or his agent shall notify the City Engineer when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion and sediment control measures, including landscaping and its irrigation system, have been completed in accordance with the approved plans, and the required reports have been submitted. Where landscape planting for erosion and sediment control has been installed, securities will not be released until the plantings have become established. The establishment of such erosion and sediment control plantings shall be certified by a licensed landscape architect and approved by the City Engineer.

67-23 VIOLATIONS AND PENALTIES

A. It shall be unlawful for any person, firm or corporation to perform any grading work within the City of Hemet, or cause the same to be done, in violation of any of the provisions of this Chapter or state or federal laws. A violation of this Chapter is grounds for denial or revocation of a permit.

B. Failure to obtain a permit and paying the corresponding fees before commencing work is a violation of this Chapter, except when an emergency existed which made it impractical to first obtain the permit. The determination of the existence of an emergency shall be solely within the discretion of the City Engineer.

C. The following shall constitute a public nuisance:

1. Any grading, or related work, conducted without a permit as required by this Chapter.

2. Any grading, or related work, performed in violation of the conditions imposed by a permit, issued pursuant to this Chapter.

3. The existence of a hazardous condition as defined in Section 67-19 of this Chapter, upon the determination by the City Engineer that such condition exists.

D. Violations of this Chapter may be enforced by administrative citation.

#14

CITY OF HEMET
Hemet, California
ORDINANCE BILL NO. 13-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA AMENDING CHAPTER 14, ARTICLE XI OF THE HEMET MUNICIPAL CODE ENTITLED "MAINTENANCE, SECURITY AND REHABILITATION OF ABANDONED OR VACANT PROPERTY," WHICH ESTABLISHES MAINTENANCE, SECURITY AND REHABILITATION REQUIREMENTS FOR ABANDONED OR VACANT PROPERTY WITHIN THE CITY OF HEMET.

WHEREAS, the number of foreclosed properties, or properties with mortgages in default, in the City of Hemet and elsewhere in Riverside County continues to remain high despite marginal improvement in the California housing market. Foreclosed homes and businesses are frequently acquired by banks, financial institutions, and large real estate conglomerates that have little or no connection with the municipality in which they own property; and

WHEREAS, many of these foreclosed homes and businesses are vacated prior to the conclusion of the foreclosure process. Properties can remain unoccupied for months or years, awaiting the final foreclosure sale, often creating a public nuisance. Some foreclosed or abandoned homes and businesses violate multiple Municipal Code provisions. Mortgagees are often times large financial institutions located out of state, selling properties in "bundles" multiple times over, making enforcement of violations of the Municipal Code very difficult; and

WHEREAS, these City code violations may include, among other things, unoccupied and/or unlocked buildings that are susceptible to theft and vandalism and hazardous to trespassers and the public, yards full of litter and trash, overgrown

landscaping, and unsecured swimming pools that are a threat to children and breeding ground for infectious insects such as mosquitoes; and

WHEREAS, this problem exists not only in Hemet and elsewhere in California, but throughout the nation. Banks and other financial institutions are failing to maintain properties and City staff have great difficulty in determining who the owners are and how to contact them to correct code violations; and

WHEREAS, some lenders assert that they are not responsible for property maintenance and security, but fail to address the fact that most mortgage contracts contain an abandonment and waste clause that grants the lender the authority to enter the property prior to foreclosure in order to secure and maintain the collateral; and

WHEREAS, vacant buildings are often a major cause of neighborhood blight. Boarded, substandard, and/or unkempt properties and vacant buildings discourage economic development and cause property value depreciation; and

WHEREAS, it is a responsibility of property ownership to prevent unoccupied property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare; and

WHEREAS, one vacant building in a neighborhood or commercial corridor that is not actively monitored and maintained by the owner can cause and spread blight.

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

SECTION 1: AMENDMENT OF ARTICLE XI.

Article XI of the Hemet Municipal Code is amended in its entirety and shall read as shown in Exhibit "A" hereto.

SECTION 2: CEQA FINDINGS.

This Ordinance is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guideline 15061(b)(3) because it can be said with certainty that there is no possibility the proposed Ordinance may have a significant effect on the environment. The Ordinance does not relate to any one physical project and will not result in any physical change to the environment because it merely supplements preexisting code enforcement authority and does not encourage or discourage any development within the City. Further, the Ordinance is not subject to CEQA under CEQA Guidelines section 15060 (c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment. The Ordinance merely supplements preexisting code enforcement authority by adding procedures for vacant and abandoned properties. Because the City already has the authority and power to enforce the Municipal Code through misdemeanor prosecution, civil actions, and administrative citations, the Ordinance will not encourage or discourage development. Accordingly, there is no possibility of a physical change in the environment.

SECTION 3: SEVERABILITY.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days from its passage by the City Council of the City of Hemet.

SECTION 5: PUBLICATION.

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).

INTRODUCED at the regular meeting of Hemet City Council on June 11, 2013.

APPROVED AND ADOPTED this 25th day of June, 2013.

Robert Youssef, Mayor

ATTEST:

Sarah McComas, City Clerk

APPROVED AS TO FORM:

Eric S. Vail, City Attorney

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Ordinance was introduced and first read on the 11th day of June, 2013, and had its second reading at the regular meeting of the Hemet City Council on the 25th day of June, 2013, and was passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sarah McComas, City Clerk

EXHIBIT "A"

ARTICLE XI. - MAINTENANCE, SECURITY, AND REHABILITATION OF ABANDONED OR VACANT PROPERTIES

Sec. 14-501. - Purpose and intent.
Sec. 14-502. - Definitions.
Sec. 14-503. - Registration.
Sec. 14-504. - Classification of Nuisances.
Sec. 14-505. - Maintenance Requirements.
Sec. 14-506. - Security and Inspection Requirements.
Sec. 14-507. - Notice by beneficiary to City of disposition of registered property.
Sec. 14-508. - Re-registration of property subject to this chapter.
Sec. 14-509. - Additional authority.
Sec. 14-510. - Fees.
Sec. 14-511. - Enforcement.
Sec. 14-512. – Appeals.
Sec. 14-513. - Special provisions where property is encumbered with the security interests of multiple beneficiaries.

Sec. 14-501. – Purpose and intent.

It is the purpose and intent of this article to establish an abandoned or vacant property registration program and to implement additional regulations in order to protect the City of Hemet community from blight resulting from inadequate maintenance and security of abandoned or vacant properties. The city council finds as follows:

(a) Vacant and/or abandoned property is a major cause and source of blight in both residential and nonresidential neighborhoods, especially when the owner of the property fails to actively maintain and manage the building and property to ensure that it does not adversely affect the neighborhood.

(b) Vacant and/or abandoned property attracts vagrants, gang members and other criminals and are prime locations to conduct illegal criminal activities.

(c) Vacant and/or abandoned property is extremely vulnerable to being set on fire by transients or others using the property illegally.

(d) Vacant and/or abandoned property poses serious threats to the public's health and safety and therefore are declared to be public nuisances.

(e) It is the responsibility of property owners to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety or welfare.

(f) Vacant and/or abandoned property (whether or not the property is boarded, substandard or otherwise unkempt) discourages economic development and hampers appreciation of property values.

Sec. 14-502. – Definitions.

For the purposes of this article, certain words and phrases used in this article are defined as follows:

"Abandoned property" means any property that is vacant and is under a current notice of default and/or notice of trustee's sale, and/or any property which has been the subject of a foreclosure sale, trustee's sale, or judicially authorized sale where the title was retained by the beneficiary under its deed of trust upon the conclusion of the foreclosure and/or a property transferred by the trustor under a deed in lieu of foreclosure/sale to either the beneficiary, the trustee or to an authorized entity as approved by the beneficiary.

"Accessible Structure" means a structure or building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

"*Agreement"* means any agreement or written instrument which provides that title to a property shall be transferred or conveyed from one owner to another owner after the sale, trade, transfer, or exchange.

"Assignment of Rents" means an instrument that transfers the beneficial interest under a deed of trust from one lender/entity to another.

"Beneficiary" means a lender under a promissory note to pay money secured by a deed of trust on property. The word "beneficiary" as used in this article means and includes any assignee or successor to such beneficiary, whether such assignee or successor acquires its interest in the beneficiary's promissory note either before a notice of default is recorded on the property securing the obligation payable to the beneficiary or after a notice of default is recorded. In the event that a property may provide security for the loan or obligation of more than one beneficiary, the beneficiary who causes its notice of default to be recorded shall be responsible for registering the property as set forth in this article.

"Boarded" means exterior windows, doors, garages, and other means of ingress and egress are secured, covered, blocked, shielded and/or closed with wooden, plastic, vinyl, metal or aluminum boards.

"Buyer" means any person, co-partnership, association, corporation, or fiduciary who agrees to transfer anything of value in consideration for property described in an agreement of sale, as defined in this subsection.

"Dangerous Building" means any building/structure that is found by the Chief Building Official or designee to be in a substandard or hazardous condition that could cause harm to persons in or around the building or structure.

"Days" means consecutive calendar days.

"Deed in Lieu of Foreclosure/Sale" means an instrument that transfers ownership of a property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.

"Deed of Trust" means an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan. This definition applies to any and all subsequent deeds of trust, i.e., second trust deed, third trust deed, etc.

"Default" means the failure to fulfill a contractual obligation, monetary or conditional.

"Default Inspection" means a physical inspection of the exterior areas of the property conducted by the beneficiary or its designee following the occurrence of a breach or event of default by the trustor under a deed of trust.

"Distressed" means a property that is under a current notice of default and/or notice of foreclosure sale, trustee's sale, or judicially authorized sale or has been foreclosed upon by the trustee or has been conveyed to the beneficiary/trustee via a deed in lieu of foreclosure/sale.

"Evidence of Vacancy" means any set of facts or conditions that on its own or combined with other facts and conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers, and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk, and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with occupancy, and/or statements by neighbors, passersby, delivery agents, and/or government employees that the property is vacant.

"Foreclosure" means the process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the trustor (borrower) defaults.

"Local property management company" shall mean an entity located within 40 miles of the subject property that is responsible for the day-to-day maintenance, upkeep, and security of the property and is operated by a person who is licensed with the California Department of Real Estate as a real estate broker.

"Notice of Default" means a recorded notice that states that a default has occurred under a deed of trust and that the beneficiary intends to proceed with a trustee's sale.

"Out-of-area" shall mean more than 40 miles from the subject property.

"Owner of Record" means any person, co-partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in any real property.

"Property" means any improved or unimproved real property owned by any person and/or entity and/or any building, structure, or other improvement thereon, or any portions thereof.

"Public Nuisance Conditions" are any condition existing on the property in violation of Section 30-32.

"Securing" means such measures as may be directed by the Community Development Director or his or her designee that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the installation or repair of fences and walls, chaining/padlocking of gates, the repair or boarding of door, window and/or other openings. In the case of residential buildings, the boarding of doors, windows and/or other openings shall be installed in accordance with the current HUD securing standards in effect at the time the boarding is completed or required.

"Trustee" means the person, firm, or corporation holding a deed of trust on a property.

"Trustor" means a borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.

"Vacant" means any building or structure that is unoccupied or occupied by unauthorized persons whether or not it is secured or boarded.

Sec. 14-503. – Registration Requirements.

(a) A beneficiary, or beneficiary's agent shall register a property with the City's Community Development staff, on forms provided by the City, within 10 days from the earlier of the following dates: (i) the date of notice of default is recorded on a property; or (ii) the date of a default inspection which indicates that the property is vacant or abandoned.

(1) The registration shall contain the identity, direct mailing address, telephone number, e-mail address, and 24-hour contact information of the beneficiary and, in the case of an out-of-area beneficiary, the local property management company responsible for the security, maintenance and marketing of the property in question. In the event that any of this information changes subsequent to the registration, the registrant must provide all updated information in writing to the Community Development Director within 10 days of the change.

(2) An annual registration fee, adopted in conformance with Section 14-510, shall accompany the submission of each registration form. The fee and registration shall be valid from the date of registration until the following September 1st. Registration fees will not be prorated.

(3) Upon registration of a property, the City will conduct an exterior inspection of the registered property to confirm its condition.

(b) Prior to recording a notice of default on a property located in the City of Hemet which is subject to a deed of trust, the beneficiary, or its agent, shall conduct a default inspection. Property which is vacant at the time of such default inspection shall be deemed abandoned for the purposes of this chapter. When practicable, each default inspection shall be conducted upon prior reasonable notice and consent of the trustor and/ or the occupant of the property. In instances when the consent of the trustor and/or the occupant cannot reasonably be obtained despite due and diligent inquiry by the beneficiary, or where the trustor or the

occupant expressly refuses to give the beneficiary consent to a default inspection, the beneficiary or its agent shall conduct the default inspection of the exterior areas of the property which may be viewed from the adjacent public right-of-way or from adjacent property on which the owner or occupant of such adjacent property has consented to entry onto such adjacent property by the beneficiary for the purpose of conducting a default inspection of the adjoining property.

(c) The beneficiary, or its agent, shall prepare a written report of of each default inspection required under this section and shall submit such report to the Community Development Director within 10 days of the default inspection's completion. The written report of each default inspection shall at a minimum provide the following information: :

(1) The date and time of the default inspection;

(2) The identity of the individual who conducted the default inspection;

(3) Whether, at the time of the default inspection, the property was occupied or vacant, and if vacant, set forth facts to support the evidence of vacancy;

(4) Whether, at the time of the default inspection, the property was in compliance with the general maintenance and monitoring standard set forth in Section 14-505; and

(5) If security appliances have been installed on the property by either the trustor, the beneficiary or its agent, or by another entity, whether the installed security appliances are intact and in good and serviceable condition.

(6) A default inspection report shall contain such other property-specific information as the Community Development Director, or designee, may direct in writing to the beneficiary.

(d) In the event the property is not vacant at the time of the notice of default is filed, the beneficiary or, its agent shall conduct subsequent default inspections of the property at least once per month, commencing 30 days after the date of the recordation of the notice of default, until such time as:

(1) The trustor cures the breach or event of default under the deed of trust and the notice of default is rescinded by the beneficiary or the trustor; or

(2) The property is deemed abandoned, and the beneficiary or, its agent, has registered the property as abandoned with the Community Development Director on forms provided by the City; or

(3) The trustor has surrendered the property to the beneficiary as evidenced by either a letter from the trustor addressed to the beneficiary confirming such surrender, or by the trustor's delivery of the keys to the property to the beneficiary, its agent, or trustee, and the beneficiary or its agent has registered the property as abandoned with the City's Community Development staff on forms provided by the City; or

(4) The beneficiary has obtained possession of the property under Code of Civil Procedure Sections 1161, 1161a, or 1161b, as applicable, following the completion of a foreclosure proceeding, and the beneficiary or its agent has registered the property as abandoned with the City's Community Development staff on forms provided by the City.

(e) For all property for which a notice of default has been recorded prior to September 1, 2013, and where since that date, such notice of default has not either been rescinded or superseded, or the beneficiary has not sold the property to a third party pursuant to a trustee's sale, then in such event, the beneficiaryor its agent shall register the property with the City's Community Development staff, on forms provided by the City, no later than September 1, 2013. This section is intended to apply to all property where:

(1) a foreclosure proceeding may have been initiated prior to September 1, 2013;

(2) the pre-September 1, 2013 notice of default has not been either rescinded or superseded; and

(3) the beneficiary has not completed the exercise of its remedy identified under such pre-September 1, 2013 notice of default, for whatever reason, including without limitation one or more trial mortgage loan modification attempts by the trustor or borrower, loan forbearance by the beneficiary, beneficiary foreclosure moratorium or the effect of the pendency of bankruptcy proceedings of the trustor for which relief from stay has not been obtained from the bankruptcy court by the beneficiary.

Sec. 14-504. – Classification of Nuisances.

The following acts and conditions, when performed or existing upon any lot or parcel within the City, are declared to be unlawful and are defined as and declared to be public nuisances per se that are injurious to the public health, safety, and welfare:

(a) Buildings or structures that are under construction or rehabilitation and are not completed during the term of a valid building permit or building permit extension issued by the Building Official or his or her designee.

(b) Unoccupied buildings or structures that have been left unlocked or otherwise open or unsecured from intrusion by persons, animals or the elements.

(c) Buildings or structures for human use or occupancy that have been left vacant for more than 180 days, unless one of the following applies:

(1) The building or structure is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation, as determined by the Community Development Director or Building Official.

(2) The building or structure complies with all codes adopted by the City of Hemet, does not otherwise constitute a public nuisance, is ready for use or occupancy and is actively being offered for sale, lease or rent.

(3) The building or structure, including the premises on which it is located, does not otherwise constitute a public nuisance and is not likely to become a public nuisance because it is being actively maintained and secured pursuant to sections 14-505 and 14-506 of this Code.

(d) Buildings or structures that have been boarded for more than 180 consecutive days.

(e) Every owner of record, occupant or person having charge or control of a building, structure, or property is liable for violations of this chapter regardless of any contract or agreement with any third party.

Sec. 14-505. – Maintenance Requirements.

Beneficiaries, or their agents, shall ensure that vacant and/or abandoned property subject to the registration requirements set forth in Section 14-503 meet the following maintenance requirements:

(a) Any condition causing the property to constitute a dangerous building shall be immediately remedied.

(b) Each property which is acquired by a beneficiary following the recordation of a notice of default, whether acquired by such beneficiary by foreclosure, deed in lieu of foreclosure or judgment of foreclosure, shall be maintained by the beneficiary so as not to constitute a public nuisance under Sections 14-504 and 30-32 of the Hemet Municipal Code and other applicable laws, for so long a period of time as the beneficiary may own such property.

(c) Properties must be kept free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state or local law), discarded personal items (including, but not limited to furniture, clothing, large and small appliances), printed material, or any other items that give the appearance that the property is vacant and/or abandoned.

(d) The property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

(e) Visible front and side yards shall be mowed, landscaped and otherwise maintained to the satisfaction of the Community Development Director or his or her designee. Landscape includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock, bark, artificial turf, and sod. Weeds, dirt, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet or any similar materials are not acceptable landscaping or ground cover. Maintenance of landscaping includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of required landscape and removal of all trimmings.

(f) Pools and spas shall be kept in working order so the water remains clear and free of pollutants and debris, or shall be drained and kept dry.

(g) The owner of record of any vacant building, whether boarded by voluntary action of the owner of record or as a result of enforcement activity by the city, shall rehabilitate the boarded building for occupancy, in accord with all applicable codes and regulations, within 180 days after the building is boarded.

Adherence to this section does not relieve the property owner of any obligations set forth in any covenants, conditions and restrictions and/or homeowners' association rules and regulations which may apply to the property.

Sec. 14.506 – Security and Inspection Requirements.

(a) Properties which are abandoned or vacant shall be maintained by the beneficiary or beneficiary's agent in a secure manner so as not to be accessible to unauthorized persons. In general, the security of abandoned or vacant property by the beneficiary or beneficiary's agent shall comply with the current HUD standards, or such other standard as may hereafter be ordered in writing addressed to the beneficiary or beneficiary's agent by the Community Development Director or his/her designee.

(b) If the abandoned or vacant property is owned by a corporation and/or out-of-area beneficiary/trustee/owner, a local property management company shall be contracted to perform inspections to verify that the requirements of this section, and any other applicable law, are being satisfied. The beneficiary, beneficiary's agent, orlocal property management company shall inspect the abandoned or vacant property on a weekly basis, or more frequently if required by the Community Development Director or his or her designee, to ensure that the property is in compliance with the requirements of this chapter and any other applicable laws. The beneficiary, beneficiary's agent, or local property management company shall make available to the City upon request written confirmation that the property has been inspected as required and to confirm that the property is in compliance with the requirements of this chapter.

Sec. 14-507. - Notice by beneficiary to City of disposition of registered property.

(a) Within 10 days following the release of a notice of default and the reinstatement of the loan of the trustor, the beneficiary or its agent shall give the Community Development Director written notice of such release and reinstatement.

(b) Within 10 days following the sale, transfer or other conveyance to a third person of a property registered with the City under this article, the beneficiary or its agent shall give the Community Development Director written notice of such sale, transfer or other conveyance together with current contact information for such bona fide purchaser/successor-in-interest to the beneficiary in such property.

Sec. 14-508. - Re-registration of property subject to this chapter.

By September 1st of each year, the beneficiary, or beneficiary's agent, shall renew the registration for each property that the beneficiary, or beneficiary's agent previously registered with the City under this chapter, and in which such beneficiary retains either an equitable or legal interest, if the previously-registered property remains abandoned or vacant. The beneficiary, beneficiary's agent shall re-register the property on forms provided by the City.

Sec. 14-509. - Additional authority.

In addition to the enforcement remedies established in this code, the Community Development Director or his or her designee shall have the authority to require the beneficiary/owner and/or owner of record of any property subject to this chapter to implement additional maintenance and/or security measures including but not limited to securing any/all door, window or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to abate and correct the decline of the property.

Sec. 14-510. – Fees.

Fees and charges for the administration of the regulatory program established by this article shall be set by resolution of the City Council, including without limitation the fee for registering with the City a property for which a notice of default has been recorded, the registration renewal fee, and the fee for the initial code enforcement inspection upon registration.

Sec. 14-511. – Enforcement.

A violation of this chapter may be enforced by any means authorized by Hemet Municipal Code or other applicable law.

Sec. 14-512. – Appeals.

Any person aggrieved by any of the requirements of this section may appeal insofar as such appeal is allowed by any applicable provision of this Code.

Sec. 14-513. - Special provisions where property is encumbered with the security interests of multiple beneficiaries.

(a) In the event that a property is encumbered by the security interests of more than one beneficiary at the time when a notice of default is recorded, the beneficiary who causes a notice of default for its security interest to be recorded shall be responsible for registering the property with the City as provided in this article.

(b) Upon the recordation of a notice of default on a property by any beneficiary, regardless of the security lien interest priority of such beneficiary in the property in relation to the priority of the security interests of the other beneficiaries in the same property, the City, in its discretion may elect to enforce the provisions of this article against one or more beneficiaries who have not separately recorded a notice of default against the property.

AGENDA # 15

Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Jorge Biagioni, Director of Engineering/City Engineer;
Ronald E. Bradley, Interim City Manager

DATE: June 25, 2013

RE: Award of Bid for the Live Oak Street Sanitary Sewer, City Project No. 5579

RECOMMENDED ACTION:

That the City Council award the contract to the lowest, responsive bidder, Taylor Underground, Inc. for the Echo Hills Waterline Project CIP 5579 in the amount of $72,026, and reject all other bids;

Authorize the Interim City Manager to enter into a construction contract for the improvements;

Establish budget in the amount of $72,026; construction, (254-5579-5500), $7,500 for geotechnical engineering (254-5579-2710) all from fund No. 254-4600-2450, fund No. 254-4600-5400 and sewer fund balance for the remainder. The total cost of the project is estimated to be $79,526.

BACKGROUND:

The new waterline is necessary to loop the water supply system by connecting recently installed Buena Vista Waterline south of Echo Hills Golf Course. The waterline will replace the existing asbestos cement and steel line that meanders behind and across private properties. In addition, (6) new services and add (1) fire hydrant for safety will be installed.

PROJECT DESCRIPTION:

The project will install 133 LF of 10 inch pvc sewer line from manhole to manhole connecting the sewer system from Seven Hills into sewer system in Willow Walk. In addition, trench paving and a 2 inch overlay of the existing roadway surface will be constructed, as shown on the attached Exhibit "A".

ANALYSIS:

On June 13, 2013 the Purchasing offices received 3, responsive, sealed bids, with the three lowest shown below; (See attached Exhibit B Bid Results).

Taylor Underground, Inc. of San Jacinto, CA	$ 72, 026
TBU, Inc. of Beaumont, CA	$ 100,940
Genesis Construction of Hemet, CA	$104,777

COORDINATION & REVIEW:

The project was circulated for Public Bidding purposes by publishing an advertisement in the Press Enterprise and the following contractor plan rooms McGraw Hill, Reed Construction Data, iSqFt Planroom, Association of General Contractors and Bid America.

FISCAL IMPACT:

No General Fund Impact. Funding for this project is available through existing budgets in Sewer Funds, for a total estimated cost of $79,625.

Respectfully submitted,

Victor Monz
Principal Engineer

Fiscal Review,

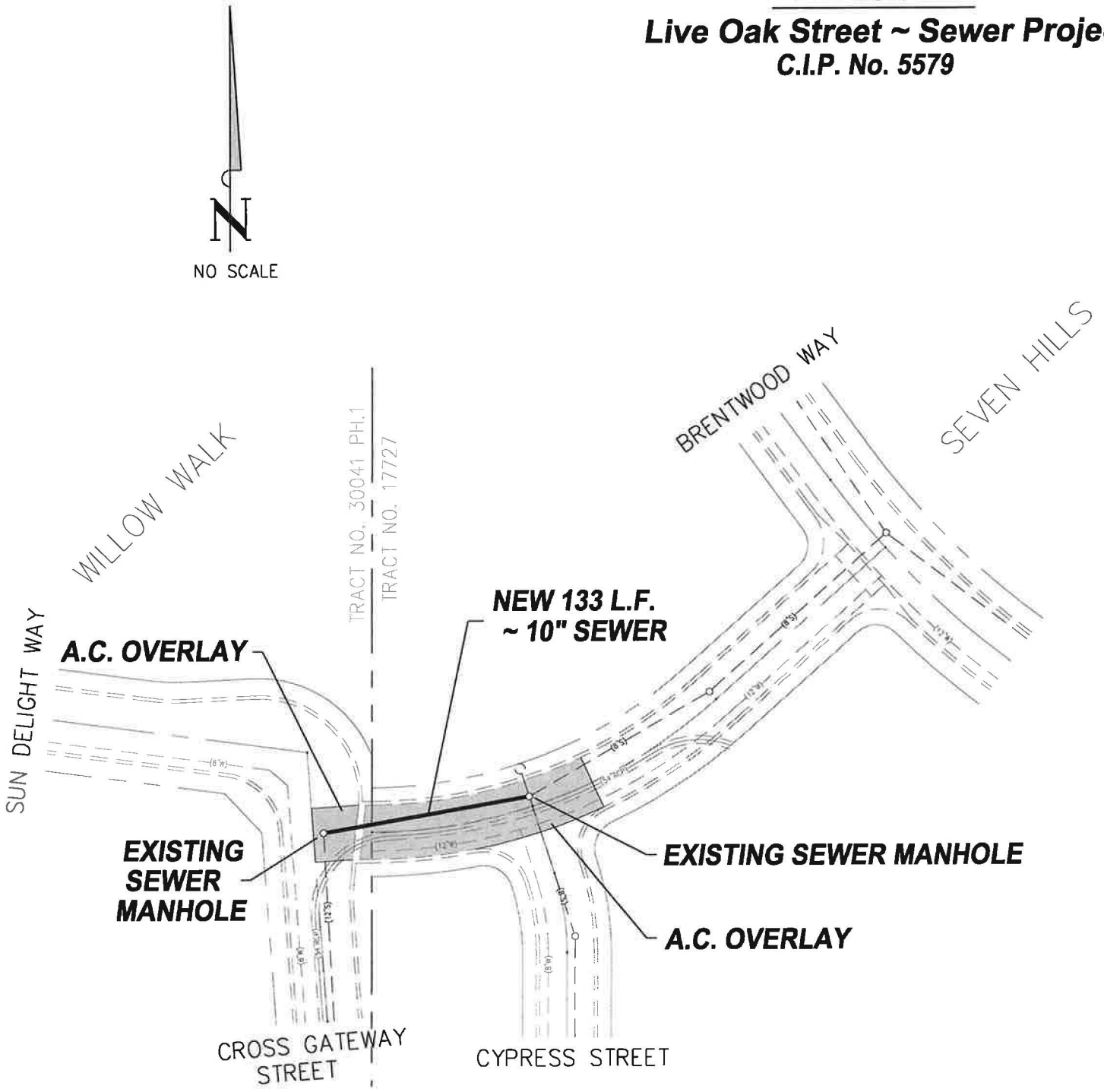
Rita Conrad
Deputy City Manager/Admin. Svcs. Director

Attachment(s): Exhibit "A" Plan View
Exhibit "B" Bid Results

Exhibit 'A'

Live Oak Street ~ Sewer Project

C.I.P. No. 5579



City of Hemet

PUBLIC WORKS DEPARTMENT

ENGINEERING DIVISION

510 E. FLORIDA AVENUE
HEMET, CA 92543
(951) 765-2360

City of Hemet Public Works Department

EXHIBIT "B"

510 E. Florida Avenue, Hemet, CA 92543

Bid Opening Date: June 13, 2013

Project Name: Live Oak Sanitary Sewer Project - CIP #5579

Time: 2:00 P.M.

			Taylor Underground, Inc.		TBU, Inc.		Genesis Construction	
Item No. & Description	Unit	Quantity	Unit Bid	Total Bid	Unit Bid	Total Bid	Unit Bid	Total Bid
1. Mobilization	L.S.	1	$ 6,000.00	$ 6,000.00	$ 15,000.00	$ 15,000.00	$ 18,477.00	$ 18,477.00
2. Shoring Plan	L.S.	1	$ 2,500.00	$ 2,500.00	$ 5,000.00	$ 5,000.00	$ 2,000.00	$ 2,000.00
3. F/I 10" PVC	L.F.	133	$ 232.00	$ 30,856.00	$ 105.00	$ 13,965.00	$ 475.00	$ 63,175.00
4. Trench Repaving	S.F.	1,200	$ 4.20	$ 5,040.00	$ 30.00	$ 36,000.00	$ 4.00	$ 4,800.00
5. 2" Cold Mill Grind	S.F.	5,000	$ 3.00	$ 15,000.00	$ 3.25	$ 16,250.00	$ 1.00	$ 5,000.00
6. Smooth Pavm't Transition	L.F.	225	$ 2.80	$ 630.00	$ 13.00	$ 2,925.00	$ 1.00	$ 225.00
7. Ex. SMH base channel	EA.	1	$ 3,000.00	$ 3,000.00	$ 5,500.00	$ 5,500.00	$ 2,500.00	$ 2,500.00
8. R/D 8"sewer/plug/drill MH	EA.	1	$ 3,000.00	$ 3,000.00	$ 1,300.00	$ 1,300.00	$ 5,000.00	$ 5,000.00
9. Plug/seal outlet in MH	EA.	1	$ 1,500.00	$ 1,500.00	$ 500.00	$ 500.00	$ 100.00	$ 100.00
10. Core drill SMH	EA.	1	$ 2,500.00	$ 2,500.00	$ 1,000.00	$ 1,000.00	$ 2,500.00	$ 2,500.00
11. Traffic Control Plan	L.S.	1	$ 1,000.00	$ 1,000.00	$ 2,000.00	$ 2,000.00	$ 500.00	$ 500.00
12. SWPPP	L.S.	1	$ 1,000.00	$ 1,000.00	$ 1,500.00	$ 1,500.00	$ 500.00	$ 500.00
TOTAL BID AMOUNT				**$ 72,026.00**		**$ 100,940.00**		**$ 104,777.00**

AGENDA # 16

Staff Report

TO: Honorable Mayor and City Council

FROM: Ronald E. Bradley, Interim City Manager

DATE: June 25, 2013

SUBJECT: Additional Allocation of 2013-2014 Program Year Community Development Block Grant entitlement funds.

RECOMMENDATION:

1) That the City Council Ad Hoc Committee reconvene to discuss and recommend allocation of the additional $100,594 in 2013-2014 Community Development Block Grant (CDBG) funding and
2) That these recommendations be presented to the full City Council for approval at the Council meeting of July 23, 2013.

BACKGROUND:

The City of Hemet (City) as an entitlement city of the Community Development Block Grant (CDBG) program receives annual grants on a formula basis from the U.S. Department of Housing and Urban Development (HUD) to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services, with maximum feasible priority given to activities which benefit low and moderate income persons.

On January 8, 2013 the City Council created an Ad Hoc City Council Committee (Ad Hoc) comprised of Councilpersons Linda Krupa and Shellie Milne to review the eligible 2013-2014 CDBG funding applications and make recommendations for full Council approval. At its meeting of February 12, 2013, City Council unanimously approved the funding recommendations based on the anticipated City of Hemet CDBG 2013-2014 Program Year Allocation of $698,000 and $40,954.54 in previously unexpended City of Hemet CDBG funding. These allocations were incorporated into the proposed 2013-2014 Community Development Block Grant (CDBG) Annual Action Plan which was available for public review and comment for a period of 30 days (from March 7 through April 9, 2013) as required by HUD.

The President issued a sequestration order on March 1, 2013, canceling approximately $85 billion in budgetary resources, due to the failure of Congress to reach a deal on balanced deficit reduction and HUD's initial analysis determined that fiscal year (FY) 2013 formula program funding, including CDBG, would be 5 percent lower than it was in FY 2012. In order to meet HUD's May 16, 2013 submission deadline for 2013-2014 Annual Action Plans, the City of Hemet revised its estimated budget to $663,136, a 5% reduction from the Council approved funding allocation of $698,038. Corresponding adjustments included: COH Planning &

Administration reduced from $139,600 to $132,627, COH Sidewalk Improvements 13/14 reduced from $173,700 to $151,039, COH Crime Free Multi Family Housing Program reduced from $50,000 to $47,000 and Fair Housing Council of Riverside County reduced from $24,700 to $22,470.

DISCUSSION:

On May 29, 2013 HUD announced the final CDBG funding levels for the 2013 Fiscal Year including the City of Hemet's allocation of $763,730, $100,594 more than the May 13, 2013 submitted budget. Of this additional amount, 20% may be allocated for Administrative program delivery, 15% may be allocated to Public Services and 65% or more may be allocated for Housing or Public facilities and infrastructure. Since the 2013-2014 CDBG Program Year begins July 1, 2013, it is recommended that the Ad Hoc Committee reconvene before July 16 to discuss and recommend supplemental allocations to currently funded activities and/or new allocations to eligible 2013/14 CDBG applicant activities, for Council approval at the July 23, 2013 City Council meeting.

COORDINATION AND REVIEW:

This recommendation was prepared and coordinated with the Office of the City Manager, Department of Community Investment, Finance Department, and the City Attorney's Office.

INTEGRATION OF COUNCIL GOALS / STRATEGIC PLAN:

The recommendation supports the Council's goals of investing in the community for public services and public improvements in accordance with CDBG guidelines and regulations.

ALTERNATIVES:

The City Council may direct staff to revise the funding awards recommended by the Ad Hoc Committee.

FISCAL IMPACT:

Approval of the recommendation will advance the potential receipt of CDBG funds to benefit the City of Hemet and the community. The recommend action does not require any funding from the City's General Fund.

CONCLUSION:

It is respectfully recommended that the City Council authorize:

1) The Ad Hoc Committee to reconvene to discuss and recommend allocation of the additional $100,594 in 2013-2014 Community Development Block Grant (CDBG) funding and,
2) That these recommendations be presented to the full City Council for approval at the Council meeting of July 23, 2013.

Prepared By,	Approved By:	Reviewed By:	Reviewed By:
For Carla Callahan	Ronald E. Bradley	Rita Conrad	
Carla Callahan, CDBG Coordinator	Ronald E. Bradley, Interim City Manager	Rita Conrad DCM Admin Services	John Jansons Community Investment

AGENDA # 17

Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Ronald E. Bradley, Interim City Manager
Deanna Elliano, Community Development Director

DATE: June 25, 2013

RE: **ADOPTION OF A RESOLUTION SETTING THE FEES FOR REGISTRATION OF ABANDONED, FORECLOSED OR VACANT PROPERTIES (Resolution Bill No. 13-028)**

RECOMMENDED ACTION:

That the City Council adopt ***Resolution Bill No. 13-028****, entitled:*

> **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, ESTABLISHING FEE AMOUNTS FOR THE REGISTRATION OF ABANDONED OR FORECLOSED PROPERTY WITHIN THE CITY OF HEMET PURSUANT TO CHAPTER 14, ARTICLE XI OF THE HEMET MUNICIPAL CODE"**

BACKGROUND:

At the Council meeting of June 11, 2013, the City Council introduced Ordinance Bill No. 13-011 which amended Article XI of Chapter 14 of the Hemet Municipal Code regarding the maintenance, security and rehabilitation of abandoned, foreclosed, and vacant property within the City. Among the amendments contained in Ordinance Bill No. 13-011 was the requirement for lenders or beneficiaries to register properties with the City at such time that a Notice of Default is recorded on the property, or the property is deemed vacant and abandoned, whichever occurs first. Section 14-510 of the new ordinance authorized the collection of fees to recover the staff costs associated with processing and verifying the property registration, and the initial code enforcement inspection and report.

The attached Resolution Bill No. 13-028 establishes an initial Registration Fee of $146.00 for such properties, and an annual renewal fee of $32 for each year that the property remains abandoned or vacant. The fee will be in effect in conjunction with the effective date of Ordinance Bill 13-011, which is effective as of July 25, 2013. Per the ordinance, property owners will be notified of the registration requirement and the registration form and fees will be due to the City on September 1, 2013.

The proposed Registration Fee amount of $146.00 is based on the estimated staff time (at the fully burdened rate) of the clerical staff person and code enforcement officer to process the registration forms and perform the initial inspection and report for each property. Staff also surveyed similar programs adopted in other cities and found that the registration fees ranged from $70.00 to $358.00 per property, depending upon the amount of staff work included as part of the

registration fee. The proposed fee for the City of Hemet covers the initial registration and inspection process. However, cost recovery for any subsequent code violations at the property would be covered under the normal code enforcement procedures.

At the time of this report, it is estimated that there are 543 properties in the City in the foreclosure process, and 52 are boarded properties. Upon final adoption of Ordinance Bill No. 13-011 (also on this council meeting agenda), and the Fee Resolution, staff will start the notification process to the identified lien-holders of the properties and the lending institutions.

COORDINATION & PUBLIC REVIEW:

A public hearing notification for the proposed resolution was published in the Press Enterprise on June 14, 2013. To date, no comments have been received from the public regarding the proposed registration fee.

CONSISTENCY WITH ADOPTED GOALS, PLANS, AND PROGRAMS:

The proposed Resolution and associated ordinance is a component of the Hemet ROCS program, which the City Council had identified as a Strategic Goal in 2012, and has continued in 2013. In addition, the proposed program is consistent with the following General Plan 2030 Implementation Programs and Policies:

***LU-P-36: Hemet ROCS**. The City shall prepare ordinances and implementation programs to achieve the Hemet "Restoring Our Community Strategy" to address issues associated with vacant and absentee properties, maintenance issues, blight, and crime, in order to enhance the quality of life for Hemet Citizens.*

***POLICY LU-4.6:** Provide pro-active, equitable, consistent and effective code compliance activities, nuisance abatement, property maintenance enforcement functions ....to insure that Hemet's neighborhoods and business district are attractive, safe, and retain property values.*

***POLICY LU-4.7:** Monitor the appearance of residential, commercial and industrial properties to prevent areas of decline by requiring improved maintenance or rehabilitation, as necessary and practical.*

CEQA REVIEW AND COMPLIANCE:

In accordance with Section 21080(b)(8) of the California Public Resources Code, the fees adopted by this Resolution are only for the purpose of meeting operating expenses and are, therefore, exempt from compliance with the California Environmental Quality Act.

FISCAL IMPACT:

The proposed Resolution establishing the Registration Fee is revenue neutral to the general fund as the proposed fees will serve to cover the actual staff time expended to implement the program.

Respectfully submitted,

Deanna Elliano
Community Development Director

Attachments:

1. Proposed Resolution Bill No. 13-028, establishing a Registration Fee for abandoned, foreclosed and vacant properties

CITY OF HEMET
Hemet, California
RESOLUTION BILL NO. 13-028

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, ESTABLISHING FEE AMOUNTS FOR THE REGISTRATION OF ABANDONED OR FORECLOSED PROPERTY WITHIN THE CITY OF HEMET PURSUANT TO CHAPTER 14, ARTICLE XI OF THE HEMET MUNICIPAL CODE

WHEREAS, on June 11, 2013, the City Council considered and adopted Ordinance Bill No. 13-011, which establishes requirements and regulations for abandoned, foreclosed or vacant properties within the City of Hemet; and

WHEREAS, Ordinance Bill No. 13-011 imposed registration requirements for certain abandoned, foreclosed or vacant properties and authorized the City to conduct inspections of such properties upon registration; and

WHEREAS, Ordinance Bill No. 13-011 established Municipal Code section 14-510, which authorizes the City Council to establish by resolution the fees required by Ordinance Bill No. 13-011, including without limitation the fee for registering with the City certain abandoned and vacant properties, the registration renewal fee, and the fee for the initial code enforcement inspection upon registration; and

WHEREAS, it is necessary to establish registration, initial code enforcement inspection, and renewal fees to offset the costs the City incurs when it provides services related to the registration of abandoned or vacant properties as required by Ordinance Bill No. 13-011; and

WHEREAS, Such fees are authorized pursuant to the City's general police powers under Article XI, Section 7 of the California Constitution; and

WHEREAS, on June 25, 2013 the City Council of the City of Hemet conducted a duly noticed public hearing regarding the adoption of the fee in this Resolution; and

WHEREAS, all legal prerequisites prior to the adoption of this resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA DOES HEREBY RESOLVE, DECLARE, AND DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council finds that the facts, findings and conclusions set forth above are true and correct.

Section 2. Based on the foregoing findings and substantial evidence in the record, the City Council does hereby resolve:

(A) The fee for registration of an abandoned or vacant property as required by Municipal Code section 14-503(c) shall be $146.00.

(B) The fee for the annual re-registration of abandoned or vacant properties required by Municipal Code section 14-508 shall be $32.

(C) The $146 initial registration fee is reasonable in light of the City's actual costs reviewing the registration, verifying the information provided, entering the information in the appropriate database, conducting the initial site inspection, and preparing an inspection report. The estimated staff time for this work is two hours for a Community Development Specialist to process the registration and coordinate with the lender, and two hours for a Code Enforcement Officer to inspect the registered property and prepare a report. The fully-burdened rate for a Community Development Specialist is $32 per hour and the fully-burdened rate for a Code Enforcement Officer is $41 per hour. Thus, the cost for a Community Development Specialist to provide the services required by Ordinance Bill No. 13-011 is $64. The cost for Code Enforcement Officer to provide the services required by Ordinance Bill No. 13-011 is $82.

(D) The $32 fee for the annual re-registration is reasonable in light of the City's actual costs of providing the service of reviewing the renewal form. The estimated staff time involved in processing the annual re-registration of abandoned or vacant property is approximately one hour for a Community Development Specialist. The fully-burdened rate for a Community Development Specialist is $32 per hour.

SECTION 3. The City Council finds that the fees adopted by this Resolution do not exceed the estimated reasonable costs of providing the services of reviewing and

processing registrations for abandoned or vacant properties and conducting the necessary inspections.

SECTION 4. The City Council finds that, in accordance with Section 21080(b)(8) of the California Public Resources Code, the fees adopted by this Resolution are only for the purpose of meeting operating expenses and are, therefore, exempt from compliance with the California Environmental Quality Act.

SECTION 5. This Resolution shall go into full force and effect in conjunction with the effective date of Ordinance Bill No. 13-011.

SECTION 6. That the City Clerk will certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED, AND ADOPTED this 25th day of June, 2013.

Robert Youssef, Mayor

ATTEST:

Sarah McComas, City Clerk

APPROVED AS TO FORM:

Eric S. Vail, City Attorney

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Resolution is the actual Resolution adopted by the City Council of the City of Hemet and was passed at a regular meeting of the City Council on the day of , 2013 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Sarah McComas, City Clerk

AGENDA # 18

Staff Report

To: **Honorable Mayor and Members of the City Council**

From: **Gary Thornhill, Interim Assistant City Manager**
Ronald Bradley, Interim City Manager

Date: **June 25, 2013**

SUBJECT: **Approval of a Professional Services Contract with Valley-Wide Recreation and Park District for professional facility management services of the James Simpson Memorial Center**

Recommendation:

Staff respectfully recommends the Council:

> Authorize the City Manager to enter into a Professional Services Agreement with Valley-Wide Recreation and Park District for professional facility operation management services of the James Simpson Center for a period of three (3) years, for an amount not to exceed $287,654 annually or a total amount of $862,962 over a period of three (3) years.

Background:

As the Council may recall, the City Council, at their meeting of December 14, 2010, authorized the staff to negotiate a lease with the YMCA to operate the Simpson Center. Unfortunately, the YMCA filed for bankruptcy in January of this year, requiring the city to look for someone else to operate the facility. Soon thereafter, Valley - Wide Recreation & Parks District stepped up to the plate and offered to take over operations. Staff then negotiated an agreement with Valley - Wide after the Council authorized the City Manager to enter into a professional services agreement at their February 12, 2013 meeting.

Analysis:

Valley-wide has been providing a diverse array of services since taking over operations a few months ago and has performed those services in a very satisfactory manner. However, because staff needed to bring this matter back to the Council for a longer term agreement, the process was opened up again for consideration of other interested non-profit organizations. We received a request by Exceed, a San Jacinto based non-profit organization, to consider them to operate the Simpson Center. Consequently staff

sent out a Request for Qualifications (RFQs) to Valley-Wide and Exceed. Both RFQs were received on June 12, 2103.

Staff visited the Exceed Facility in San Jacinto and was very impressed with their operations and their facility. They do an incredible job and provide invaluable services for the community and are certainly qualified to operate the Simpson Center.

However, after a careful review of both submittals, it is staff's conclusion that Valley-Wide has the best combination of skills and experience to most efficiently operate the facility. They have been providing similar services to residents throughout the San Jacinto Valley since 1972, ranging from very large active parks to community centers. They have also been operating the Simpson Center successfully now for several months, offering a wide range of community services and classes for all segments of the population. In summary, they are very capable, knowledgeable, and experienced in providing recreational opportunities for the residents of the entire valley.

With respect to Exceed, staff would like to explore ways in which the city can partner with them in other ways that are mutually beneficial.

Fiscal Impact:

The requested amount of $287,654 in the attached agreement for the operation of the Simpson Center is currently included in the city's FY 2013-2014 budget. The total fiscal impact over a three (3) period to the city is $862,962

Respectfully submitted,	City Attorney Review	Fiscal Review
Gary Thornhill Interim Assistant City Manager	Eric S.Vail City Attorney	Rita Conrad Deputy City Manager/ Admin. Services Director

Attachment:

A. Professional Services Agreement

SERVICES AGREEMENT

By and Between

THE CITY OF HEMET,
a municipal corporation

and

Valley-Wide Recreation & Park District

LA #4824-7673-3440 v1

AGREEMENT FOR SERVICES
BETWEEN
THE CITY OF HEMET, CALIFORNIA
AND
VALLEY-WIDE RECREATION & PARK DISTRICT

This Agreement for facility operation services ("Agreement") is entered into as of this 25th day of June, 2013, by and between the City of Hemet, a municipal corporation ("City") and Valley-Wide Recreation & Park District, a California Recreation and Park District ("Valley-Wide"). City and Valley-Wide are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as the "Parties."

RECITALS

A. City has sought, by issuance of a Request for Proposals, the performance of the services defined and described particularly in Section 2 of this Agreement.

B. Valley-Wide, following submission of a proposal for the performance of the services defined and described particularly in Section 2 of this Agreement, was selected by the City to perform those services.

C. Pursuant to the City of Hemet's Municipal Code, City has authority to enter into this Services Agreement and the City Manager has authority to execute this Agreement.

D. The Parties desire to formalize the selection of Valley-Wide for performance of those services defined and described particularly in Section 2 of this Agreement and desire that the terms of that performance be as particularly defined and described herein.

OPERATIVE PROVISIONS

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

SECTION 1. TERM OF AGREEMENT.

The term of this Agreement shall be July 1, 2013 through June 30, 2016, subject to the provisions of Section 20 "Termination of Agreement" of this Agreement.

SECTION 2. SCOPE OF SERVICES.

Valley-Wide agrees to perform the services set forth in Exhibit "A" "Scope of Services" and made a part of this Agreement. Should the scope of services not be performed as provided in Exhibit "A", Valley-Wide shall be deemed to be in Default of this Agreement pursuant to Section 21 of this Agreement. The City, in its sole discretion, may choose not to enforce the Default provisions of this Agreement and may instead allow Valley-Wide to continue performing the scope of services until such services are complete.

SECTION 3. ADDITIONAL SERVICES.

Valley-Wide shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to or outside of those set forth in this Agreement or listed in Exhibit "A" "Scope of Services," unless such additional services are authorized in advance and in writing by the City Council or City Manager of City. Valley-Wide shall be compensated for any such additional services in the amounts and in the manner agreed to by the City Council or City Manager, as provided in Section 4.

SECTION 4. COMPENSATION AND METHOD OF PAYMENT.

(a) Subject to any limitations set forth in this Agreement, City agrees to pay Valley-Wide the amounts specified in Exhibit "B" "Compensation" and made a part of this Agreement. The total compensation, including reimbursement for actual expenses, shall not exceed Two Hundred Eighty Seven Thousand Six Hundred Fifty Four dollars ($287,654.00) annually, and Eight Hundred Sixty Two Thousand Nine Hundred Sixty Two dollars ($862,962.00) for the three year term, unless additional compensation is approved in writing by the City Council or City Manager. The City Manager may approve amendments to the Agreement for program or minor scope of service changes, not to exceed $25,000 in the aggregate without Council approval.

(b) City will pay monthly installments, as reflected in Exhibit B, Compensation.

(c) Except as to any charges for work performed or expenses incurred by Valley-Wide which are disputed by City, City will use its best efforts to cause Valley-Wide to be paid within forty-five (45) days of receipt of Valley-Wide's correct and undisputed invoice.

(d) Payment to Valley-Wide for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Valley-Wide.

SECTION 5. INSPECTION AND FINAL ACCEPTANCE.

City may inspect and observe the premises, programs, and operations of Consultant's work under this Agreement, during Center hours.

SECTION 6. OWNERSHIP OF DOCUMENTS.

All original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents prepared, developed or discovered by Valley-Wide in the course of providing any services pursuant to this Agreement shall become the sole property of City and may be used, reused or otherwise disposed of by City without the permission of the Valley-Wide. Upon completion, expiration or termination of this Agreement, Valley-Wide shall turn over to City all such original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents.

If and to the extent that City utilizes for any purpose not related to this Agreement any maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files or other documents prepared, developed or discovered by Valley-Wide in the course of providing any services pursuant to this Agreement, Valley-Wide's guarantees and warrants related to Standard of Performance and found in Section 9 of this Agreement shall not extend to

such use of the maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files or other documents.

SECTION 7. BOOKS AND RECORDS.

(a) Valley-Wide shall maintain any and all documents and records demonstrating or relating to Valley-Wide's performance of services pursuant to this Agreement. Valley-Wide shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, or other documents or records evidencing or relating to work, services, expenditures and disbursements charged to City pursuant to this Agreement. Any and all such documents or records shall be maintained in accordance with generally accepted accounting principles and shall be sufficiently complete and detailed so as to permit an accurate evaluation of the services provided by Valley-Wide pursuant to this Agreement. Any and all such documents or records shall be maintained for three years from the date of execution of this Agreement and to the extent required by laws relating to audits of public agencies and their expenditures.

(b) Any and all records or documents required to be maintained pursuant to this section shall be made available for inspection, audit and copying, at any time during regular business hours, upon request by City or its designated representative. Copies of such documents or records shall be provided directly to the City for inspection, audit and copying when it is practical to do so; otherwise, unless an alternative is mutually agreed upon, such documents and records shall be made available at Valley-Wide's address indicated for receipt of notices in this Agreement.

(c) Where City has reason to believe that any of the documents or records required to be maintained pursuant to this section may be lost or discarded due to dissolution or termination of Valley-Wide's business, City may, by written request, require that custody of such documents or records be given to the City and that such documents and records be maintained by the requesting party. Access to such documents and records shall be granted to City, as well as to its successors-in-interest and authorized representatives.

SECTION 8. STATUS OF VALLEY-WIDE.

(a) Valley-Wide is and shall at all times remain a wholly independent contractor and not an officer, employee or agent of City. Valley-Wide shall have no authority to bind City in any manner, nor to incur any obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this AGREEMENT or is otherwise expressly conferred in writing by City.

(b) The personnel performing the services under this Agreement on behalf of Valley-Wide shall at all times be under Valley-Wide's exclusive direction and control. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall have control over the conduct of Valley-Wide or any of Valley-Wide's officers, employees, or agents except as set forth in this Agreement. Valley-Wide shall not at any time or in any manner represent that Valley-Wide or any of Valley-Wide's officers, employees, or agents are in any manner officials, officers, employees or agents of City.

(c) Neither Valley-Wide, nor any of Valley-Wide's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise

accrue to City's employees. Valley-Wide expressly waives any claim Valley-Wide may have to any such rights.

SECTION 9. STANDARD OF PERFORMANCE.

Valley-Wide represents and warrants that it has the qualifications, experience and facilities necessary to properly perform the services required under this Agreement in a thorough, competent and professional manner. Valley-Wide shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. In meeting its obligations under this Agreement, Valley-Wide shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Valley-Wide under this Agreement.

If and to the extent that City utilizes for any purpose not related to this Agreement any maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files or other documents prepared, developed or discovered by Valley-Wide in the course of providing any services pursuant to this Agreement, Valley-Wide's guarantees and warranties related to Standard of Performance shall not extend to such use of the maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files or other documents.

SECTION 10. COMPLIANCE WITH APPLICABLE LAWS; PERMITS AND LICENSES.

Valley-Wide shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations and rules in effect during the term of this Agreement. Valley-Wide shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this Agreement. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall be liable, at law or in equity, as a result of any failure of Valley-Wide to comply with this section.

SECTION 11. PREVAILING WAGE LAWS

It is the understanding of City and Valley-Wide that California prevailing wage laws do not apply to this Agreement because the Agreement does not involve any of the following services subject to prevailing wage rates pursuant to the California Labor Code or regulations promulgated thereunder: Construction, alteration, demolition, installation, or repair work performed on public buildings, facilities, streets or sewers done under contract and paid for in whole or in part out of public funds. In this context, "construction" includes work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work.

SECTION 12. NONDISCRIMINATION.

Valley-Wide shall not discriminate, in any way, against any person on the basis of race, color, religious creed, national origin, ancestry, sex, age, physical handicap, medical condition or marital status in connection with or related to the performance of this Agreement.

SECTION 13. Intentionally Omitted

SECTION 14. CONFLICTS OF INTEREST.

(a) Valley-Wide covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Valley-Wide's performance of services under this Agreement. Valley-Wide further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor without the express written consent of the City Manager. Valley-Wide agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

(b) City understands and acknowledges that Valley-Wide is, as of the date of execution of this Agreement, independently involved in the performance of non-related services for other governmental agencies and private parties. Valley-Wide is unaware of any stated position of City relative to such projects. Any future position of City on such projects shall not be considered a conflict of interest for purposes of this section.

(c) City understands and acknowledges that Valley-Wide will, perform non-related services for other governmental agencies and private parties following the completion of the scope of work under this Agreement. Any such future service shall not be considered a conflict of interest for purposes of this section.

SECTION 15. CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION.

(a) All information gained or work product produced by Valley-Wide in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Valley-Wide. Valley-Wide shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the City Manager, except as may be required by law.

(b) Valley-Wide, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the City Manager or unless requested by the City Attorney of City, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Valley-Wide gives City notice of such court order or subpoena.

(c) If Valley-Wide, or any officer, employee, agent or subcontractor of Valley-Wide, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Valley-Wide for any damages, costs and fees, including attorneys fees, caused by or incurred as a result of Valley-Wide's conduct.

(d) Valley-Wide shall promptly notify City should Valley-Wide, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed thereunder. City retains the right, but has no obligation, to represent Valley-Wide or be present at any deposition, hearing or similar proceeding. Valley-Wide agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery

requests provided by Valley-Wide. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite said response.

SECTION 16. INDEMNIFICATION.

(a) General Indemnification Provisions. Valley-Wide shall indemnify, protect, defend and hold harmless City, and any and all of its employees, officials and agents from and against any liability (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including attorneys fees and costs, court costs, interest, defense costs, and expert witness fees), where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, the performance of this Agreement by Valley-Wide or by any individual or entity for which Valley-Wide is legally liable, including but not limited to officers, agents, employees or sub-contractors of Valley-Wide.

(b) Sub-Contract Indemnification. Valley-Wide agrees to obtain executed indemnity Agreements with provisions identical to those set forth here in this section from each and every sub-contractor or any other person or entity involved by, for, with or on behalf of Valley-Wide in the performance of this Agreement. In the event Valley-Wide fails to obtain such indemnity obligations from others as required here, Valley-Wide agrees to be fully responsible according to the terms of this section.

(c) Failure of City to monitor compliance with these requirements imposes no additional obligations on City and will in no way act as a waiver of any rights hereunder. This obligation to indemnify and defend City as set forth here is binding on the successors, assigns or heirs of Valley-Wide and shall survive the termination of this Agreement or this section.

(d) The provisions of this section do not apply to claims occurring as a result of City's sole negligence. The provisions of this section shall not release City from liability arising from gross negligence or willful acts or omissions of City or any and all of its officials, employees and agents.

SECTION 17. INSURANCE.

Valley-Wide agrees to obtain and maintain in full force and effect during the term of this Agreement the insurance policies set forth in Exhibit "C" "Insurance" and made a part of this Agreement. All insurance policies shall be subject to approval by City as to form and content. These requirements are subject to amendment or waiver if so approved in writing by the City Manager. Valley-Wide agrees to provide City with copies of required policies upon request.

SECTION 18. ASSIGNMENT.

The expertise and experience of Valley-Wide are material considerations for this Agreement. City has an interest in the qualifications of and capability of the persons and entities who will fulfill the duties and obligations imposed upon Valley-Wide under this Agreement. In recognition of that interest, Valley-Wide shall not assign or transfer this Agreement or any portion of this Agreement or the performance of any of Valley-Wide's duties or obligations under this Agreement without the prior written consent of the City Council. Any attempted assignment shall be ineffective, null and void, and shall constitute a material breach of this

Agreement entitling City to any and all remedies at law or in equity, including summary termination of this Agreement. City acknowledges, however, that Valley-Wide, in the performance of its duties pursuant to this Agreement, may utilize subcontractors.

SECTION 19. CONTINUITY OF PERSONNEL.

Valley-Wide shall make every reasonable effort to maintain the stability and continuity of Valley-Wide's staff and subcontractors, if any, assigned to perform the services required under this Agreement. Valley-Wide shall notify City of any changes in Valley-Wide's staff and subcontractors, if any, assigned to perform the services required under this Agreement, prior to and during any such performance.

SECTION 20. TERMINATION OF AGREEMENT.

(a) City may terminate this Agreement, with or without cause, at any time by giving thirty (30) days written notice of termination to Valley-Wide. In the event such notice is given, Valley-Wide shall cease immediately all work in progress.

(b) Valley-Wide may terminate this Agreement for cause at any time upon thirty (30) days written notice of termination to City.

(c) If either Valley-Wide or City fail to perform any material obligation under this Agreement, then, in addition to any other remedies, either Valley-Wide, or City may terminate this Agreement immediately upon written notice.

(d) Upon termination of this Agreement by either Valley-Wide or City, all property belonging exclusively to City which is in Valley-Wide's possession shall be returned to City. Valley-Wide shall furnish to City a final invoice for work performed and expenses incurred by Valley-Wide, prepared as set forth in Section 4 of this Agreement. This final invoice shall be reviewed and paid in the same manner as set forth in Section 4 of this Agreement.

SECTION 21. DEFAULT.

In the event that Valley-Wide is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Valley-Wide for any work performed after the date of default. Instead, the City may give notice to Valley-Wide of the default and the reasons for the default. The notice shall include the timeframe in which Valley-Wide may cure the default. This timeframe is presumptively thirty (30) days, but may be extended, though not reduced, if circumstances warrant. During the period of time that Valley-Wide is in default, the City shall hold all invoices and shall, when the default is cured, proceed with payment on the invoices. In the alternative, the City may, in its sole discretion, elect to pay some or all of the outstanding invoices during the period of default. If Valley-Wide does not cure the default, the City may take necessary steps to terminate this Agreement under Section 20. Any failure on the part of the City to give notice of the Valley-Wide's default shall not be deemed to result in a waiver of the City's legal rights or any rights arising out of any provision of this Agreement.

SECTION 22. EXCUSABLE DELAYS.

Valley-Wide shall not be liable for damages, including liquidated damages, if any, caused by delay in performance or failure to perform due to causes beyond the control of Valley-Wide. Such causes include, but are not limited to, acts of God, acts of the public enemy, acts of federal, state or local governments, acts of City, court orders, fires, floods, epidemics, strikes, embargoes, and unusually severe weather. The term and price of this Agreement shall be equitably adjusted for any delays due to such causes.

SECTION 23. COOPERATION BY CITY.

All public information, data, reports, records, and maps as are existing and available to City as public records, and which are necessary for carrying out the work as outlined in the Exhibit "A" "Scope of Services," shall be furnished to Valley-Wide in every reasonable way to facilitate, without undue delay, the work to be performed under this Agreement.

SECTION 24. NOTICES.

All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, or sent by telecopier or certified mail, postage prepaid and return receipt requested, addressed as follows:

To City: City of Hemet
Attn: City Manager
445 E. Florida Avenue
Hemet, CA 92543

To Valley-Wide: Valley-Wide Recreation & Park District
Attn: Dean Wetter, General Manager
P.O. Box 907 / 901 W. Esplanade Ave.
San Jacinto, CA 92581

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile or, if mailed, three (3) days after deposit of the same in the custody of the United States Postal Service.

SECTION 25. AUTHORITY TO EXECUTE.

The person or persons executing this Agreement on behalf of Valley-Wide represents and warrants that he/she/they has/have the authority to so execute this Agreement and to bind Valley-Wide to the performance of its obligations hereunder.

SECTION 26. ADMINISTRATION AND IMPLEMENTATION.

This Agreement shall be administered and executed by the City Manager or his or her designated representative, following approval of this Agreement by the City Council. The City Manager shall have the authority to issue interpretations and to make minor amendments to this Agreement on behalf of the City so long as such actions do not materially change the Agreement

or make a commitment of additional funds of the City beyond the express authority granted in Section 4.

SECTION 27. BINDING EFFECT.

This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

SECTION 28. MODIFICATION OF AGREEMENT.

No amendment to or modification of this Agreement shall be valid unless made in writing and approved by the Valley-Wide and by the City Council. The parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

SECTION 29. WAIVER.

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision nor a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Valley-Wide shall not constitute a waiver of any of the provisions of this Agreement.

SECTION 30. LAW TO GOVERN; VENUE.

This Agreement shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Riverside, California. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in Los Angeles.

SECTION 31. ATTORNEYS FEES, COSTS AND EXPENSES.

In the event litigation or other proceeding is required to enforce or interpret any provision of this Agreement, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorney's fees, costs and expenses, in addition to any other relief to which it may be entitled.

SECTION 32. ENTIRE AGREEMENT.

This Agreement, including the attached Exhibits "A" through "C", is the entire, complete, final and exclusive expression of the parties with respect to the matters addressed therein and supersedes all other Agreements or understandings, whether oral or written, or entered into between Valley-Wide and City prior to the execution of this Agreement. No statements, representations or other Agreements, whether oral or written, made by any party which are not embodied herein shall be valid and binding. No amendment to this Agreement shall be valid and binding unless in writing duly executed by the parties or their authorized representatives.

SECTION 33. SEVERABILITY.

If any term, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and the Agreement shall be read and construed without the invalid, void or unenforceable provision(s).

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first-above written.

CITY OF HEMET

By:_____
Ronald Bradley, Interim City Manager

ATTEST:

By: _____
Sarah McComas, City Clerk

APPROVED AS TO FORM

By:_____
Eric S. Vail, City Attorney

VALLEY-WIDE RECREATION & PARK DISTRICT

By: _____ By: _____

_____ _____

Its: _____ Its: _____

NOTE: VALLEY-WIDE'S SIGNATURES SHALL BE DULY NOTARIZED, AND APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO DEVELOPER'S BUSINESS ENTITY.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF

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

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

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

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

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

_____
TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER_____

_____

SIGNER IS REPRESENTING:
(NAME OF PERSON(S) OR ENTITY(IES))

_____

_____

DESCRIPTION OF ATTACHED DOCUMENT

_____
TITLE OR TYPE OF DOCUMENT

_____
NUMBER OF PAGES

_____
DATE OF DOCUMENT

_____
SIGNER(S) OTHER THAN NAMED ABOVE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF

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

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

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

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

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

_____
TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER_____

_____

SIGNER IS REPRESENTING:
(NAME OF PERSON(S) OR ENTITY(IES))

_____

_____

DESCRIPTION OF ATTACHED DOCUMENT

_____
TITLE OR TYPE OF DOCUMENT

_____
NUMBER OF PAGES

_____
DATE OF DOCUMENT

_____
SIGNER(S) OTHER THAN NAMED ABOVE

EXHIBIT "A"
SCOPE OF SERVICES

I. Services:

Valley-Wide to provide professional facility operation management services for the James Simpson Center (Center). The Center is located at 305 E. Devonshire Avenue, Hemet, CA 92543, directly north of the Hemet Public Library and North-West of the Hemet Police Department and Hemet Fire Station #1. The City-owned, public Center is 12,710 square feet, on one level, and is open to the public for community use and special events. The Center is a vital resource for adult recreational, nutritional, and educational activities.

II. Valley-Wide shall perform the following Services:

A. Operate the James Simpson Center as a Full Service Community Center

1. Valley-Wide shall provide daily on-site management services that include facility use/rental, community services, forward planning, and facility maintenance.

2. The Center shall be open Monday through Friday, 8:00 a.m. to 7:00 p.m. and varying on weekend hours based on programming/rental schedule.

3. □Utilizing communications techniques Valley-Wide shall will allow multiple groups to work together to service and provide solutions for our Center users and provide opportunities for the exchange of event knowledge and experience.

4. □Valley-Wide will adhere to quality control measures to ensure Center operations are high quality and that the Center operational efforts are completed accurately and efficiently.

5. □Valley-Wide shall provide on-going, comprehensive communications on Center usage requirements, rules, Center events, Center availability and provide event scheduling information to the City Manager's Office.

6. Valley-Wide shall communicate the total center requirements of the event / rental agreement or lease to the client. Meet with the client and coordinate the event details and identify exceptional requirements for each event. Establish terms and deadlines for each Center use requirement.

7. □Valley-Wide will operate the Center within established guidelines so that availability, cost and usage determination is consistent for all potential users.

8. □Valley-Wide shall market the Center to include suggestions for maximum utilization, advertising for widest exposure, including a web site, and on-line scheduling.

9. Valley-Wide will provide event screening by making initial determinations on suitability of event within the Center, event scheduling and utilization frequency, and event clean-up and janitorial follow-up.

10. Lease and Rental Agreements executed by Valley-Wide will ensure a lease agreement which is tailored for community Center needs; collection of all rent/lease amounts and security deposits, and collection of liability and other as required insurances to minimize the City's risk per event.

11. The City reserves the option of selecting, supervising and directly paying for any repairs; allowing for City to authorize all repairs, with emergencies being an exception, and maintenance scheduling.

B. Valley-Wide will strive to develop new programs and expand current programs, to address the needs of all ages and interest. Examples of new programs that may be considered are:
   1. Bi-annual Senior Care Faire
   2. Monthly Senior Mixers
   3. Community education courses
   4. Community Health Fair
   5. Blood Drive
   6. Expansion of trips and excursions.
   7. Possible implementation of a meals to seniors programs.

C. Conduct the Center where programming for all Hemet residents is the first priority.

D. Participate as an active partner with the City of Hemet and service the needs of the City of Hemet.

III. As part of the Services, Valley-Wide will prepare and deliver the following tangible work products to the City:

A. Monthly – written report of current upcoming events and information regarding the Simpson Center including participating numbers.

B. Quarterly – income and expense report

C. Annually – income and expense report.

IV. During performance of the Services, Valley-Wide will keep the City appraised of the status of performance by delivering the following status reports:

A. Class attendance – provide a class head count to track participation in classes offered at the Simpson Center.

B. Income – Designate specific codes and receipt book that is deposited with Valley-Wide's accounting department.

C. Expenses – coded specifically by operation including cost sharing if benefiting from more than one location.

V. Valley-Wide will utilize the following personnel to accomplish the Services:

A. Community Center Recreation Coordinator

B. Recreation Assistant

C. Recreation Aides

D. Valley-Wide Administrative support General Manager, Special Projects Supervisor, Finance Manager, Recreation Supervisor.

EXHIBIT "B"
COMPENSATION

I. Fees

Administration	Monthly	Annually
Valley-Wide Costs (Salary / Benefits)		
Recreation Supervisor FT 50%	$ 3,522	$ 42,265
Recreation Coordinator FT 100%	$ 4,571	$ 54,850
Recreation Assistant PT 100%	$ 3,006	$ 36,076
Recreation Aides PT (90 hours)	$ 3,904	$ 46,843
Cost Allocation / Insurance / Admin.	$ 2,300	$ 27,600
SUBTOTAL	**$17,303**	**$207,634**

Operations	Monthly	Annually
Office Supplies	$ 500	$ 6,000
Technology	$ 450	$ 5,400
Maintenance / Cleaning	$2083	$25000
Operational Misc.	$ 300	$ 3,600
SUBTOTAL	**$3,333**	**$40,000**

Utilities	Not To Exceed- Monthly	Annually
Gas, Electric, Phone/Internet, Water/Trash	$3,335	$40,020

	Monthly	Annually
GRAND TOTAL	**$23,971**	**$287,654**

II. Valley-Wide will pay utilities directly to the utility company for: gas, electric, phone/internet, water/trash. Valley-Wide may receive reimbursement for utilities from City for actual amount, not to exceed $3,335.00 per month.

III. The total compensation for the Services shall not exceed $287,654/annually, as provided in Section 4 of this Agreement.

EXHIBIT "C"
INSURANCE

A. Insurance Requirements. Valley-Wide shall provide and maintain insurance, acceptable to the City Manager or City Counsel, in full force and effect throughout the term of this Agreement, against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by Valley-Wide, its agents, representatives or employees. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII. Valley-Wide shall provide the following scope and limits of insurance:

1. Minimum Scope of Insurance. Coverage shall be at least as broad as:

(1) Insurance Services Office form Commercial General Liability coverage (Occurrence Form CG 0001).

(2) Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, including code 1 "any auto" and endorsement CA 0025, or equivalent forms subject to the written approval of the City.

(3) Workers' Compensation insurance as required by the Labor Code of State of California and Employer's Liability insurance and covering all persons providing services on behalf of the Valley-Wide and all risks to such persons under this Agreement.

(4) Valley-Wide liability insurance appropriate to the Valley-Wide's profession. This coverage may be written on a "claims made" basis, and must include coverage for contractual liability. The Valley-Wide liability insurance required by this Agreement must be endorsed to be applicable to claims based upon, arising out of or related to services performed under this Agreement. The insurance must be maintained for at least 3 consecutive years following the completion of Valley-Wide's services or the termination of this Agreement. During this additional 3-year period, Valley-Wide shall annually and upon request of the City submit written evidence of this continuous coverage.

2. Minimum Limits of Insurance. Valley-Wide shall maintain limits of insurance no less than:

(1) General Liability: $1,000,000 general aggregate for bodily injury, personal injury and property damage.

(2) Automobile Liability: $1,000,000 per accident for bodily injury and property damage. A combined single limit policy with aggregate limits in an amount of not less than $2,000,000 shall be considered equivalent to the said required minimum limits set forth above.

(3) Workers' Compensation and Employer's Liability: Workers' Compensation as required by the Labor Code of the State of California and Employers Liability limits of not less than $1,000,000 per accident.

(4) Valley-Wide Liability: $1,000,000 per occurrence.

B. Other Provisions. Insurance policies required by this Agreement shall contain the following provisions:

1. All Policies. Each insurance policy required by this Agreement shall be endorsed and state the coverage shall not be suspended, voided, cancelled by the insurer or either party to this Agreement, reduced in coverage or in limits except after 30 days' prior written notice by Certified mail, return receipt requested, has been given to City.

2. General Liability and Automobile Liability Coverages.

(1) City, and its respective elected and appointed officers, officials, and employees and volunteers are to be covered as additional insureds as respects: liability arising out of activities Valley-Wide performs; products and completed operations of Valley-Wide; premises owned, occupied or used by Valley-Wide ; or automobiles owned, leased, hired or borrowed by Valley-Wide. The coverage shall contain no special limitations on the scope of protection afforded to City, and their respective elected and appointed officers, officials, or employees.

(2) Valley-Wide's insurance coverage shall be primary insurance with respect to City, and its respective elected and appointed, its officers, officials, employees and volunteers. Any insurance or self insurance maintained by City, and its respective elected and appointed officers, officials, employees or volunteers, shall apply in excess of, and not contribute with, Valley-Wide's insurance.

(3) Valley-Wide's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

(4) Any failure to comply with the reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to City, and its respective elected and appointed officers, officials, employees or volunteers.

3. Workers' Compensation and Employer's Liability Coverage. Unless the City Manager otherwise agrees in writing, the insurer shall agree to waive all rights of subrogation against City, and its respective elected and appointed officers, officials, employees and agents for losses arising from work performed by Valley-Wide.

C. Other Requirements. Valley-Wide agrees to deposit with City, at or before the effective date of this contract, certificates of insurance necessary to satisfy City that the insurance provisions of this contract have been complied with. The City Attorney may require that Valley-Wide furnish City with copies of original endorsements effecting coverage required by this Section. The certificates and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. City reserves the right to inspect complete, certified copies of all required insurance policies, at any time.

1. Valley-Wide shall furnish certificates and endorsements from each subcontractor identical to those Valley-Wide provides.

2. Any deductibles or self-insured retentions must be declared to and approved by City. At the option of City, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City or its respective elected or appointed officers, officials, employees and volunteers or the Valley-Wide shall procure a bond guaranteeing payment of losses and related investigations, claim administration, defense expenses and claims.

3. The procuring of such required policy or policies of insurance shall not be construed to limit Valley-Wide's liability hereunder nor to fulfill the indemnification provisions and requirements of this Agreement.

AGENDA # 19

Staff Report

TO: Honorable Mayor and Members of the City Council

FROM: Eric S. Vail, City Attorney

DATE: June 25, 2013

RE: Resolution Revising Rules of Decorum for Public Meetings

RECOMMENDATION:

That the City Council adopt Resolution Bill No. 13-031 adopting revised rules of decorum for public meetings.

> **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, ADOPTING RULES OF DECORUM APPLICABLE TO THE PERSONAL CONDUCT OF INDIVIDUALS ATTENDING MEETINGS OF THE CITY COUNCIL, PLANNING COMMISSION, LIBRARY BOARD, HOUSING AUTHORITY, AND ALL OTHER SUBSIDIARY OR ADVISORY BOARDS, COMMISSIONS, OR COMMITTEES OF THE CITY COUNCIL OF THE CITY OF HEMET."**

BACKGROUND / ANALYSIS:

Clearly defined and effective rules of decorum are essential. Disruptive conduct at meetings prevents the meeting body from accomplishing its business in an orderly, efficient and fair manner, and may interfere with the right of other individuals to be heard. California Government Code Section 36813 authorizes the City Council to establish rules of conduct for its proceedings and the proceedings of bodies subject to the Council's authority, and to punish any person for disorderly behavior at a meeting. Government Code Section 54954.3(b) authorizes the City Council to adopt reasonable regulations to effectuate the Legislative intent that public comments at meetings be limited to items within the scope of the meeting body's jurisdiction.

Pursuant to this authority, the City Council previously adopted rules of decorum applicable to all public meetings of the City Council, Planning Commission, Library Board, Housing Authority and other subsidiary or advisory boards, commissions or committees. This Resolution updates the previously adopted rules of decorum for public meetings to address conduct that was not contemplated at the time the original

rules of decorum were adopted. Specifically, this Resolution makes the following changes to the existing rules of decorum:

- Prohibits members of the public from approaching the seating area of the Meeting Body.
- Prohibits members of the public from eating or drinking anything other than water.
- Requires members of the public to remain seated or in an area designated for standing unless approaching the podium to speak or entering or exiting the room. Aisles and doorways must be kept clear.
- Provides rules for those who video or audio record meetings to ensure that the recording does not interfere with the orderly conduct of the meeting or the ability of others to view, hear or participate in the meeting.
- Allows presiding officer to reduce speaker time to two minutes if it appears 15 or more person are going to speak on an item.
- Provides rules applicable to persons who speak on behalf of other individuals and the aggregating of speaker time.
- Provides rules on the display of video or audio recordings in presentations to the Meeting Body on agenda items. Prohibits the display of video or audio recordings during public comments on items not on the agenda.

The revised rules of decorum are consistent with those adopted by other cities, and are necessary to protect the rights of all speakers and ensure that City business is conducted in an orderly, efficient, safe and fair manner. The revised rules of decorum will provide the Meeting Body with clear guidance as to what is and is not allowed at public meetings so that all persons are attending and speaking at a public meeting are treated in the same manner.

In addition, the rules of decorum were reviewed to ensure consistency with the recently issued decision in *Acosta v. City of Costa Mesa* regarding Costa Mesa's rules of decorum.

FISCAL IMPACT:

None.

ATTACHMENTS:

A. Resolution Bill No. 13-031

Respectfully submitted,

Eric S. Vail, City Attorney

CITY OF HEMET
Hemet, California
RESOLUTION BILL NO. 13-031

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, ADOPTING RULES OF DECORUM APPLICABLE TO THE PERSONAL CONDUCT OF INDIVIDUALS ATTENDING MEETINGS OF THE CITY COUNCIL, PLANNING COMMISSION, LIBRARY BOARD, HOUSING AUTHORITY, AND ALL OTHER SUBSIDIARY OR ADVISORY BOARDS, COMMISSIONS, OR COMMITTEES OF THE CITY COUNCIL OF THE CITY OF HEMET.

WHEREAS, California Government Code Section 36813 authorizes the City Council to establish rules of conduct for its proceedings and the proceedings of bodies subject to the Council's authority, and to punish any person for disorderly behavior at a meeting; and,

WHEREAS, Government Code Section 54954.3(b) authorizes the City Council to adopt reasonable regulations to effectuate the Legislative intent that public comments at meetings be limited to items within the scope of the meeting body's jurisdiction; and,

WHEREAS, it is the desire and duty of the City Council to ensure its business, and the business of other meeting bodies subject to its authority, is conducted in an orderly, efficient and fair manner and to ensure that the public has a full opportunity to be heard on matters of interest to the community; and,

WHEREAS, disruptive conduct at meetings prevents the meeting body from accomplishing its business in an orderly, efficient and fair manner, and may interfere with the right of other individuals to be heard; and,

WHEREAS, the City Council of the City of Hemet respects an individual speaker's right to disagree and to express his or her opinions and beliefs.

NOW THEREFORE, the City Council of the City of Hemet does find, determine, and resolve as follows:

SECTION 1: The Rules of Decorum set forth in Section 2 shall apply to meetings of the City Council, Housing Authority, Planning Commission, Library Board and all other subsidiary or advisory boards, commissions and committees of the City Council of the City of Hemet (hereinafter "Meeting Body" or "Body").

SECTION 2: Rules of Decorum.

A. The City Council recognizes that the First Amendment to the United States Constitution preserves the ability of members of the public to criticize and question government and government officers. The City Council also recognizes that the right of members of the public to speak is fundamental and essential to the proper functioning of our democratic government. However, the City Council acknowledges that the right to speak is not absolute, and government may adopt reasonable regulations to protect its legitimate interest in conducting an orderly public meeting, and to ensure that in the exercise of their right to speak, he or she does not impinge on the rights of others. California has codified the right of local government to adopt reasonable regulations of this kind in Government Code Section 54954.3. Accordingly, the City Council for the City of Hemet adopts the following Rules of Decorum.

B. *Decorum.* Meetings shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process is retained at all times. The presiding officer of the Council, who shall be the Mayor of the City Council, the chair of the Meeting Body, or, in their absence, another member so designated by the Meeting Body, shall be responsible for maintaining the order and decorum of meetings.

C. *Rules of Decorum.* While any meeting is in session, the following rules of order and decorum shall be observed:

1. *Members.* The members of the Meeting Body shall preserve order and decorum, and a member shall not by conversation or other means delay or interrupt

the proceedings or disturb any other member while speaking.

2. *City Staff Members*. Employees of the City shall observe the same rules of order and decorum as those which apply to the members of the Meeting Body.

3. *Persons Addressing the Body*.

a. The primary purpose of oral communications is to allow citizens the opportunity to formally communicate with the Meeting Body as a whole, for matters that cannot be handled during the regular working hours of the City government. Public oral communications at meetings should not be a substitute for any item that can be handled during the normal working hours of the municipal government.

b. Each person who addresses the Meeting Body shall do so in an orderly manner and shall not make personal, impertinent, slanderous or profane remarks to any member of the Meeting Body, staff or general public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any meeting shall, at the discretion of the presiding officer or a majority of the Meeting Body, be barred from further audience before the Body during that meeting.

c. No member of the public shall approach the Meeting Body seating area for any reason during a public meeting.

4. *Members of the Audience*. Any person who violates any provision of this Section C.4. shall, at the discretion of the presiding officer or a majority of the Meeting Body, be barred from further audience before the Meeting Body during that meeting.

a. No person in the audience at a meeting shall engage in disorderly, disruptive, disturbing, delaying or boisterous conduct, including the utterance of loud, threatening or abusive language, clapping, whistling, stamping of feet or other acts which interrupt, disturb, delay or otherwise impede the orderly conduct of any meeting.

b. No person shall eat or drink anything other than water during a meeting.

c. Unless entering or leaving the meeting room or approaching or standing at the podium to address the Meeting Body, all persons in the audience shall remain seated or standing in an area designated for standing members of the audience, if any. To facilitate a safe and orderly evacuation in an emergency, the doorways to a meeting room shall not be blocked and all aisles and shall be kept clear.

d. Persons who desire to video or audio record a meeting or take photographs during a meeting may do so in a manner that does not cause undue distraction, interfere with the orderly conduct of the meeting, or interfere with the ability of the audience to view, hear or participate in the meeting.

i. Persons recording or photographing a meeting must comply with all other applicable provisions of this Resolution, including but not limited to the requirement that they remain seated or standing in an area designated for standing members of the audience, and shall not block any doorway or aisle.

ii. Persons may video or audio record or photograph a meeting from their seat if the equipment is compact and can be used in a manner that does not block the view of other members of the audience.

iii. There is limited standing space in the Council Chambers for persons to stand. Persons who desire to video or audio record or photograph a meeting who cannot do so from a seat as allowed in C.4.d.ii are encouraged to make arrangements with the City Clerk to reserve standing space for their activities. Standing space is available on a first come, first serve basis.

D. *Addressing the Body at a Public Meeting.*

1. A person wishing to address the Meeting Body regarding an item which is on the meeting agenda is asked to submit a request on the form provided, or he or she may seek recognition by the presiding officer during discussion of any such item by coming to the public podium during the public comment period for that item.

2. Persons wishing to discuss a non-agenda item are asked to submit a request on the form provided, or may seek recognition by the presiding officer during the oral communications portion of the meeting.

3. No person shall address the Meeting Body without first being recognized by the presiding officer. The following procedures shall be observed by persons addressing the Meeting Body:

a. Each person shall step to the podium provided for the use of the public and is requested to state his or her name and address; the organization, if any, which he or she represents; and, if during the oral communications portion of the meeting, the subject he or she wishes to discuss. The City requests, but does not require, that the speaker fill out a form provided by the City containing this information to ensure the City has proper records of its speakers and to provide the speakers with appropriate notices in the future. The speaker may decline to state his or her name or address if he or she so desires.

b. During the oral communications portion, any subject which is not deemed relevant by the Body shall be concluded.

c. Each person shall confine his or her remarks to the agenda item or approved oral communications subject being discussed.

d. Each person shall limit his or her remarks to three (3) minutes, unless further time is granted by the presiding officer. When it appears the number of speakers during a public meeting will exceed 15 persons, the presiding officer may limit remarks to two (2) minutes.

e. Individuals present at a meeting may request that another person speak on their behalf, and in such cases the speaker should submit a speaker request form stating the names of the individuals present at the meeting who have requested the speaker speak on their behalf, and the individuals present at the meeting who have given their time to the speaker should also submit speaker request forms indicating the name of the speak to whom they have asked to speak on their behalf.

i. A person speaking on behalf of one to four individuals shall be given as much time to speak as would have been allowed if each person had addressed the Meeting Body individually.

ii. A person speaking on behalf of five or more individuals shall be given fifteen (15) minutes to speak.

iii. Persons addressing the Meeting Body may not request individuals in the audience give them additional time to speak once they have commenced addressing the Meeting Body.

iv. A person speaking on behalf of persons who are not present at the meeting will not be given any additional time to speak for those persons who are not present.

5. All remarks shall be addressed to the Body as a whole and not to any single member thereof, unless in response to a question from such member.

6. No question may be asked of a member of the Body or of the City staff without permission of the presiding officer.

7. If a person wishes to distribute written materials to the Meeting Body, the person shall submit the materials to the City Clerk or Minutes Secretary before or at the beginning of the meeting. The City Clerk, Minutes Secretary, or a designee will distribute the written materials to the Meeting Body before or during the meeting.

E. *Addressing the Body at a Public Hearing*. No person shall address the Meeting Body without first being recognized by the presiding officer. The following procedures shall apply to persons speaking at a public hearing:

1. The project proponent shall be allowed to speak first and given a reasonable time to present their matter. The presiding officer shall determine the reasonable amount of time a project proponent shall be given.

2. Upon the conclusion of the project proponent's allotted time, members of the public shall be given the opportunity to comment, subject to the restrictions in paragraph D (Addressing the Body at a Public Meeting) of this Section.

3. Upon the conclusion of the public comment, the project proponent shall be allowed to speak to rebut any comments made during the public comment portion of the hearing. The project proponent shall be given five (5) minutes of rebuttal time.

F. *Display of Video and Audio Recordings.*

1. When Display Is Allowed. Video and audio recordings may be played in presentations to the Meeting Body during the discussion of an item on the agenda, including but not limited to public hearings, work studies, action items, or presentations to the Meeting Body, subject to the limitations in F.2 below. Video and audio recordings shall not be displayed during public comments on items not on the agenda.

2. Requirements for Display. Video and audio recordings may be played in presentations to the Meeting Body only if the recording is submitted to the City Clerk at least three (3) business days prior to the meeting. The City may review the recording prior to the Meeting to ensure that it is compatible with the City's technology and does not contain any viruses, malware or would otherwise harm the City's equipment if displayed. The City may refuse to display any video or audio recording that is irrelevant to the agenda item or violates these rules of decorum. The time used to display the video or audio recording, including any set up or loading time, will count toward the presenter's allotted speaking time.

G. *Enforcement of Decorum.* The rules of decorum set forth above shall be enforced in the following manner:

1. *Warning.* The presiding officer shall request that a person who is breaching the rules of decorum be orderly and silent.

2. *Order to Leave.* If, after receiving a warning from the presiding officer, a person persists in disturbing the meeting, the presiding officer shall order him or her to leave the meeting. If such person does not remove himself or herself, the presiding officer may request any law enforcement officer who is on duty at the meeting as sergeant-at-arms to remove that person from the meeting.

2. *Removal*. If the presiding officer has ordered a person who is breaching the rules of decorum to leave a meeting and the person does not comply with the presiding officer's order, any law enforcement officer who is on duty at the meeting as sergeant-at-arms shall assess the situation and may remove the person and place him or her under arrest for violation of California Penal Code Section 403, or any other applicable provision of law.

3. *Motion to Enforce*. If the presiding officer fails to enforce the rules set forth above, any member of the Meeting Body may move to require him or her to do so, and an affirmative vote of a majority of the Meeting Body shall require him or her to do so. If the presiding officer fails to carry out the will of a majority of the Meeting Body, the majority may designate another member of the Body to act as presiding officer for the limited purpose of enforcing any rule of this section which it wishes to enforce.

6. *Adjournment*. If a meeting is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the meeting may be adjourned or continued by the presiding officer or a majority of the Meeting Body, and any remaining Council business may be considered at the next meeting."

PASSED, APPROVED AND ADOPTED this 25th day of June, 2013.

Robert Youssef, Mayor

ATTEST:

APPROVED AS TO FORM:

Sarah McComas, City Clerk

Eric S. Vail, City Attorney

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing resolution was passed, approved and adopted the 25th day of June, 2013, and was passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sarah McComas, City Clerk

AGENDA # 20

Staff Report

TO: Honorable Mayor and City Council

FROM: Ronald E Bradley, Interim City Manager

DATE: June 25, 2013

RE: Ad Hoc Committee Recommendation for Special Event / Community Event funding for 2013-2014 Fiscal Year.

RECOMMENDATION:
That the City Council approve the recommendation of the City Council Ad Hoc Committee to fund Community Events in the amount of $25,000 for fiscal year 2013-2014.

BACKGROUND:
In 2012, the City Council approved a new program and policy for funding community events.

In April of 2013, the application period for funding of community events in fiscal year 2013-2014 closed with the city receiving 25 applications totaling $76,000.

Since that time the Council Ad Hoc Committee of Krupa and Wright met to review the applications and formulate a recommendation to the Council on community event sponsorships for FY 13/14.

DISCUSSION:
Again fiscal year 2012-2013 presents financial challenges for the City Hemet which have directly effected the City's ability to sponsor community events. Despite this, City staff believes that there tangible benefits to the community in sponsoring, albeit modestly, events that foster community pride, healthy living and that provide family friendly activities to the residents of Hemet. Such events contribute to Hemet's economic development trough tourism spending and exposure of Hemet as a great place to live, work and play. Support for community events directly supports Hemet's efforts to showcase itself as a community that takes pride in its heritage, promotes healthy lifestyles and reinforces harmonious living.

As part of the preliminary budget presented to Council, $25,000 has been earmarked for FY 13/14 Special Event funding. The Ad Hoc Committees recommendation allocated 23,00 of that for community /special event funding in FY 13/14

Attachment 1, is a memo summarizing the recommendation of the Ad Hoc Committee for community /special event funding totaling $22,000 for FY 13/14.

Valley Wide Parks and Recreation District submitted an application to fund their 4th of July celebration, but unfortunately it was received after the application deadline passed. As a result, the Interim City Manager intends to present this request to the Council separately and outside of the Special Event Program for Council consideration.

In FY 12/13 all events funded were completed to the City's satisfaction with the exception of the Hemet's Got Talent, Voice of the Valley talent contest, which due to scheduling issues could not be produced by the June 30, 2013 deadline of the grant award. HFM Productions will produce the Hemet's Got Talent, Voice of the Valley contest in Fall of 2013 which staff has approved.

Finally, the Ad Hoc Committee recommends that the requests of the Performing Arts Guild, Symphony Concert, the Chamber of Commerce October Harvestfest, and the Hometown Harvard Street Christmas event by HFM Productions be addressed separately later in the year for consideration of City participation and financial support.

ALTERNATIVES:
The Council may direct staff to implement all, part or none of the Ad Hoc Committee's recommendation.

FISCAL IMPACT:
The recommendation of the Sub Committee, if approved will encumber the $25,000 allocated in the City's budget for FY 2012-2013 for community event support.

COORDINATION AND REVIEW:
The recommended action of the Sub-Committee has been coordinated with the City Manager's Office, Finance Department, Public Works: Operations, Community Development: Planning Division, and the Community Investment Department.

STRATEGIC PLAN AND COUNCIL GOALS INTEGRATION:
The recommended action supports the City's goals of fostering and maintaining a high quality of life for its residents and promoting economic activity to benefit the local business community and Hemet residents and highlighting Hemet's Heritage, Health and Harmony.

CONCLUSION:
It is respectfully recommended that the City Council accept and approve the Ad Hoc Committee's recommendation to fund community events for FY 2013-2014.

ATTACHMENTS: 2 –

1) Ad Hoc Committee Recommendation Memo

Recommended By:

John Jansons
Community Investment Director

Approved By:

Ronald E. Bradley
Interim City Manager

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Special Event Ad Hoc Committee of Councilperson Krupa and Wright

CC: Ron E. Bradley, Interim City Manager
John Jansons, Director of Community Investment

DATE: June 25, 2013

RE: Ad Hoc Committee's Recommendation for Special Event / Community Event funding for 2013-2014 Fiscal Year.

As your representatives assigned to the Special Event Funding Recommendation Sub-Committee of the City Council, please find our recommendation below for funding special community events for Fiscal Year 2012-2013.

Event	Organization	Cash Donation	In- Kind Services
1) Grad Night Bike Ride	Hemet HS	$ 500	
2) Old Olympics	VWPD	$ 750	
3) Helen Hunt Jackson Weekend	Library Fundation	$ 500	Waive Library Rental Fee
4) Hemet Heritage Day	Genealogy Society	$ 500	Waive Library Rental Fee
5) Ramona	Ramona	$10,000	
6) 17th Pow-Wow	Soboba	$ 1,500	
7) DVL Marathon	Habitat	$ 2,000	
8) Miss Hemet	Valley Queens	$ 1,000	
9) Tinsel Tri	United Way	$ 5,000	
10) Neighborhood Pride	GCSJV	$ 250	2 Events & Donate Tools
Sub Total		**$22,000**	

* Ad Hoc Committee Also Recommends:

A) Tentative funding $500 for Symphony event by the Performing Arts Guild once event is programmed and location secured.

B) Meet with Hemet Chamber and Farmer's Market to coordinate Harvestfest and Hometown Christmas events for separate city participation and support..

AGENDA # 21

Staff Report

TO: Honorable Mayor and City Council

FROM: Ronald E. Bradley, Interim City Manager

DATE: June 25, 2013

RE: Request for Sponsorship of 4th of July Celebration

RECOMMENDATION:
That the City Council award a sponsorship of $6,000 toward the cost of producing a 4th of July celebration by Valley Wide Parks and Recreation District.

BACKGROUND:
In April of 2013, Valley Wide Parkas and Recreation District, (VWPRD) approached the City with a request to sponsor their annual 4th of July Celebration in the amount of $6,000. Initially, VWPRD had submitted an application to the City's Special Event Funding Program, but the application was submitted after the deadline and was deemed ineligible for funding under the Special Event Program.

VWPRD has produced a community 4th of July event for many years at their San Jacinto headquarters on Esplanade on Hemet's northern border. This years event features local vendor booths offering food, children's games, family friendly activities, music and culminating with a spectacular fireworks display.

DISCUSSION:
Because VWPRD missed the deadline to be considered for Special Event Program funding, this request is presented outside of the Special Events Program. VWPRD has secured sponsorship from the City of San Jacinto in the amount of $6,000 and now requests funding from the Hemet City Council as well because the event is free to the public and open to all residents of Hemet and the San Jacinto Valley.

Sponsorship of the 4th of July Celebration is another key partnership between the City of Hemet, the city of San Jacinto and area service providers. The renewed spirit of collaboration and cooperation between the two cities and partner organizations is desired during limited resources for both cities and area service clubs, non-profits agencies and area-serving organizations. Such collaborations reduce redundant efforts, lower costs, and increases efficiency in delivering regional community activities.

VWPRD anticipates 10,000 attendees and spectators at this year's event. The total budgeted cost for the event is $30,000 as estimated by VWPRD. Hemet award of $6,000 would reflect approximately 20% of that cost.

COORDINATION AND REVIEW:
This report was prepared and coordinated with the Office of the City Manager and the Department of Community Investment.

INTEGRATION OF COUNCIL GOALS / STRATEGIC PLAN:
The recommended action supports Hemet's goal to provide a high quality of life by encouraging family friendly activities and the goal of collaborating with partners to reduce cost, encourage regional cooperation with San Jacinto, the County of Riverside and local agencies and service providers.

FISCAL IMPACT:
The $6,000 sponsorship recommended would be added to the City's Special Event Program Budget for 2013-2014 from the City's General Fund allocation.

ALTERNATIVE(S):
1) The City Council may choose to not fund the 4th of July Celebration.
2) The City Council may choose to fund the event in an amount less than $6,000.

CONCLUSION:
That the City Council award a sponsorship of $6,000 toward the cost of producing a 4th of July celebration by Valley Wide Parks and Recreation District.

Recommended By:

Ronald E. Bradley
Interim City Manager

Prepared By:

John Jansons
Director of Community Investment

Laurie Knotek - Event funding request form B

From: "Sarah LeBorgne" <sleborgne@vwrpd.org>
To: <LKnotek@cityofhemet.org>
Date: 4/30/2013 2:31 PM
Subject: Event funding request form B
Attachments: Hemet Event Form B.pdf

Late
Tuesday
4-30-13

Hello Laurie,

Please see attached City of Hemet Event Funding Request Form B for the Valley-Wide 4th of July Event. I also added a letter requesting participation for the event.

If you have any questions or you should need any other information please let me know.

Have a good day,
Sarah

Sarah LeBorgne
Executive Assistant
Valley-Wide Recreation and Park District
901 W. Esplanade Ave San Jacinto Ca.
951-654-1505 Phone
951-654-5279 Fax

VALLEY-WIDE RECREATION & PARK DISTRICT
P.O. Box 907 • 901 W. Esplanade Avenue
San Jacinto, CA 92581
(951) 654-1505 - District Office

BOARD OF DIRECTORS
Larry Minor
President
Frank Gorman
Vice President
Steve Simpson
Secretary
John Braggi
Director
Rose Salgado
Director
Dean Wetter
General Manager

April 25, 2013

Ron E. Bradley, City Manager
City of Hemet
445 E. Florida Ave
Hemet, CA 92543

RE: REQUEST FOR PARTICIPATION FOR THE 4TH OF JULY EVENT

Dear Ron:

As you know Valley-Wide Recreation and Park District is responsible for providing park and recreation services to the residents of the Hemet/San Jacinto Valley. Currently the District operates and maintains 77 parks and 10 community centers; from Indoor Soccer and Flag Football to Girls Softball and Youth Basketball. Over 20,000 children participate in our youth sports programs annually.

In addition to these services, Valley-Wide Recreation and Park District also provides the Hemet/San Jacinto Valley with community events such as the annual 4th of July Family Celebration and Fireworks Display. We expect this year's celebration to be one of the highest in attendance and we couldn't be more thrilled, but we need your support.

Putting this event together requires a lot of planning, coordination and money. Every year, Valley-Wide Recreation spends an average of $30,000 to bring this event to the community, this includes: Fireworks, Live Music Entertainment, Security (Uniformed Police Officers), Children's Games, Portable Restrooms, and staff to maintain the park during and after the event.

Valley-Wide would like to take this opportunity to invite you to join us in this celebration by contributing to our 4th of July Celebration expenses. Your support of $6,000 will increase the amount of fireworks in our program and extend our show and grand finale for the community.

Any contribution would be truly appreciated, thank you for your community spirit and support. Please feel free to contact me if any additional information is needed at (951) 654-1505.

Sincerely,

Dean Wetter, General Manager
Valley-Wide Recreation and Park District

AGENDA # 22

Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Ronald E. Bradley, Interim City Manager
Deanna Elliano, Community Development Director

DATE: June 25, 2013

RE: **MUNICIPAL CODE AMENDMENT 13-004 pertaining to the issuance of Administrative Citations:** A city-initiated ordinance repealing Division 4 ("Administrative Citations") of Article II ("Nuisances") of Chapter 30 ("Environment") of the Hemet Municipal Code in its entirety, and adopting a new Article 1 ("In General") and Article 2 ("Administrative Fines and Citations") to Chapter 1 ("General Provisions") of the Hemet Municipal Code in an effort to refine the procedures related to the imposition, enforcement, collection, and appeal of administrative citations, fines, and penalties. This Ordinance is a component of the Hemet ROCS (Restoring Our Community Strategy) Program for the City of Hemet. **(Ordinance Bill No. 13-029)**

RECOMMENDED ACTION:

That the City Council:

1. *Introduce, read by title only, and waive further reading of* ***Ordinance Bill No. 13-029,*** *regarding amendments to the Hemet Municipal Code in an effort to refine the procedures related to the imposition, enforcement, collection, and appeal of administrative citations, fines and penalties; and*
2. *Direct staff to file a Notice of Exemption with the County Clerk in compliance with the California Environmental Quality Act.*

BACKGROUND:

The proposed ordinance is a component of the Hemet ROCS (Restoring Our Community Strategy) program, which the Mayor and Council have established as a key City initiative. The proposed Ordinance seeks to update and refine the City's existing Municipal Code provisions pertaining to the imposition, enforcement, collection, and review of administrative fines, penalties and citations.

In 2008, pursuant to Section 53069.4 of the California Government Code, the City Council adopted Ordinance No. 1791 that established a process for imposing administrative fines and/or penalties for violations of the specific provisions of the City's Municipal Code by means of an administrative citation. These provisions are currently codified in Chapter 30, Article II, Division 4, of the Hemet Municipal Code. Although City Staff has effectively utilized the procedures previously adopted by the City Council, over the past five (5) years, Staff has identified several portions of the administrative citation provisions that it wishes to refine in an effort to increase the effectiveness of this enforcement remedy, while still protecting the due process rights of property

owners, tenants, businesses, and the general public. The proposed Ordinance addresses and streamlines these existing procedures.

The proposed Ordinance further proposes to relocate the administrative citation program from the "Environment" chapter of the Municipal Code to the "General Provisions" contained in Chapter 1 of the Municipal Code as administrative citations are tools that can be used by various city departments to enforce any provision of the Municipal Code, not just Code Enforcement.

ANALYSIS:

The primary purposes in updating the existing code provisions are to (1) expand and clarify the definitions pertaining to administrative fines, penalties, and citations to increase community understanding; (2) streamline the procedures related to the issuance and service of administrative citations, appeal hearings, and the collection of delinquent administrative fines/penalties.

The current procedure for enforcing the code relies largely upon voluntary compliance with a "notice of violation". The notice alerts the responsible party as to what the code violation is, what they need to do to comply, and the timeframe allowed to correct the violation. When voluntary compliance is not forthcoming, the City's options to compel compliance rely primarily upon the issuance of an administrative citation and fine. Similar to parking tickets, administrative citations result in the imposition of a non-judicial fine payable to the City in an amount set by the City Council. The imposition of an administrative fine is meant to be a "less onerous" method of obtaining compliance with the City's laws than the use of the criminal court system, as it does not include the potential for jail nor does it result in a criminal record for the violator.

Furthermore, although the administrative citation has an inherent appeal process (in order to ensure that the citee's due process rights are protected), the City has not had to bear the legal expenses typically associated with criminal cases. Additionally, for less serious violations, the City has been able to achieve compliance more quickly.

A secondary benefit to the use of an administrative fine as authorized by State law is that the fines are paid directly to the City (as opposed to criminal fines where the majority is paid to the State and/or County, while only a small percentage is paid to the City).

Notwithstanding the success that the City has had with achieving compliance through the use of administrative citations, Staff and the City Prosecutor has identified numerous areas where the administrative citation program can be enhanced, as discussed in the following sections.

Issuance and Service of Citations

As with the existing code provisions, the proposed Ordinance requires the issuance of a warning or "courtesy notice" before an administrative fine can be imposed for violations pertaining to property maintenance, building code, municipal code or zoning issues, and further sets forth the minimum information that must be contained within an administrative citation.

Under the current provisions of the administrative citation program, Staff is required to serve responsible parties by either personal delivery or by certified mail, (return receipt requested) or by posting. Although it continues to allow for service to be accomplished by personal delivery, United States mail, or posting (in limited circumstances), the proposed Ordinance allows the City to rely upon first class mail rather than upon certified mail, return receipt requested. This provides a

cost-savings to the City, and is more effective in getting the Notice to the responsible party in a timely manner, as frequently people are not at their home or business to receive the certified mail, and can be delayed in picking it up from the post office. Staff has received a number of complaints from citizens that the Certified Mail process has caused them to inadvertently miss deadlines because of the delays in retrieving it from the post office. The average cost of sending notices Certified Mail is approximately $6.00 -$7.00 per letter, whereas the current cost of first-class mail is approximately $0.46. Over the course of a year, this can result in substantial cost savings for the City.

Administrative Fine/Penalty and Other Fees and Charges

As with the existing code, the proposed Ordinance authorizes the City to adopt a "fine resolution" to set an appropriate administrative fine and penalty for specific HMC violations, but also allows the City Council to set a default "uniform" fine by resolution for those violations not otherwise referenced in the fine resolution.

As with the current HMC provisions, the proposed Ordinance provides for the imposition of a late penalty charge and interest upon any administrative fine that is not timely paid. However, the proposed Ordinance also provides for an administrative re-inspection fee to be imposed to defray the costs associated with the City's need to re-inspect a property to confirm the abatement of an "continuing violation" after issuance of an administrative citation. The proposed Ordinance authorizes the City Council to set the re-inspection fee, late penalty charge, and interest rate by resolution. A separate resolution regarding the Fine Schedule will be presented to the Council at your next meeting, pending adoption of this ordinance.

Collection of Delinquent Fines, Fees, and Other Charges

The proposed Ordinance continues to allow the City to collect delinquent administrative fines, fees, and other charges related thereto in any manner authorized by law, however, it explicitly authorizes the use of the California Franchise Tax Board's "Inter-Agency Offset Program" (which the City currently uses by practice) and the ability for the City to deny the issuance or renewal of City approvals, licenses, permits, or other entitlements until the delinquent monies have been paid to the City. In an effort to ensure fair and uniform debt collection practices, the proposed Ordinance authorizes the City Manager (or designee) to set forth policies and procedures for the City's standard use of the available collection remedies.

Appeal Procedures

As with the current HMC provisions, the proposed Ordinance requires a citee to tender an advance deposit of the administrative fine in order to appeal the issuance of an administrative citation unless the citee applies for and is granted a "hardship waiver".

However, in an effort to protect the administrative review process designed to provide due process to any person issued an administrative citation, the proposed Ordinance provides explicit details regarding the procedures governing the appeal hearing – including, but not limited to, applicable rules of evidence and discovery, the parties' burden of proof at the hearing, and the citee's rights during the appeal hearing. The proposed Ordinance further refines those procedures that outline the Hearing Officer's obligations during and after the appeal hearing.

The current Code provisions authorize the Hearing Officer to impose the costs of the appeal hearing upon a citee where the Hearing Officer determines that the appeal was without merit or

intended to delay compliance. In an effort to ensure adequate due process and to diminish the potential "chilling effect" upon a citee's ability to challenge the issuance of an administrative citation, the proposed Ordinance eliminates any fees to be born by a citee for the appeal hearing (other than the tendering of the advance deposit of the fine).

CONCLUSION:

The proposed amendments to the current City regulations seek to refine the administrative procedures by providing those cited with more clarity of the administrative review process and the potential collection methods that can be used by the City should a citee fail to pay the administrative fine. In an effort to avoid a chilling impact upon a citee's appellate rights, the proposed Ordinance further provides those with financial hardship a way to exercise their appeal rights without the need to provide an advance deposit of their fine.

It is staff and the City Prosecutor's assessment that the proposed ordinance will greatly facilitate the ability of City staff to effectively enforce the community's standards and requirements as specified in the municipal code. As always, staff will seek voluntary compliance as the first means of enforcement. However, the proposed code amendment will enable staff to deal more effectively with cases in which voluntary compliance is not forthcoming.

COORDINATION & PUBLIC REVIEW:

The proposed ordinance was prepared by the City Prosecutor in conjunction with Community Development Department staff. The Hemet ROCS Citizen Advisory Committee (CAC) reviewed the draft ordinance at their meeting of May 23, 2013, and took unanimous action to recommend adoption of the ordinance to the City Council. No members of the public in attendance at the meeting spoke in regard to this item.

CONSISTENCY WITH ADOPTED GOALS, PLANS, AND PROGRAMS:

The proposed ordinance is a component of the Hemet ROCS program, which the City Council had identified as a Strategic Goal in 2012, and has continued in 2013. In addition, the proposed ordinance is consistent with the following General Plan 2030 Implementation Programs and Policies:

> ***LU-P-36: Hemet ROCS****. The City shall prepare ordinances and implementation programs to achieve the Hemet "Restoring Our Community Strategy" to address issues associated with vacant and absentee properties, maintenance issues, blight, and crime, in order to enhance the quality of life for Hemet Citizens.*
>
> ***POLICY LU-4.6:*** *Provide pro-active, equitable, consistent and effective code compliance activities, nuisance abatement, property maintenance enforcement functions ....to insure that Hemet's neighborhoods and business district are attractive, safe, and retain property values.*

CEQA REVIEW AND COMPLIANCE:

The City has analyzed this proposed ordinance and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Whereas here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The addition of this section to Chapter 46 of the Hemet Municipal Code does

not relate to any physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment and, therefore, the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

FISCAL IMPACT:

For those instances where administrative citations are issued, the proposed ordinance will likely result in an increase of collected fines that would be deposited into the City's General Fund. In addition, the proposed changes to the mailing of notifications from Certified Mail to First Class Mail will also result in immediate cost-savings to the City.

Respectfully submitted,

Deanna Elliano
Community Development Director

Attachments:

1. City Council Ordinance Bill No. 13-029 regarding Administrative Citations
2. Existing text of HMC Chapter 30, Article II, Division 4

Attachment No. 1

City Council
Ordinance Bill No. 13-029
Regarding
Administrative Citations

CITY OF HEMET
Hemet, California
ORDINANCE BILL NO. 13-029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET REPEALING DIVISION 4 ("ADMNISTRATIVE CITATIONS") OF ARTICLE II ("NUISANCES") OF CHAPTER 30 ("ENVIRONMENT") OF THE HEMET MUNICIPAL CODE, ADDING A NEW ARTICLE 1 ("IN GENERAL") AND ARTICLE 2 ("ADMINISTRATIVE FINES AND CITATIONS") TO CHAPTER 1 ("GENERAL PROVISIONS") OF THE HEMET MUNICIPAL CODE

WHEREAS, pursuant to California Government Code section 53069.4, on February 12, 2008, the City Council of the City of Hemet adopted Ordinance No. 1791 (enacted as Division 4 of Article II of Chapter 30 of the Hemet Municipal Code) that establishes a process for imposing administrative fines and/or penalties for violations of the Hemet Municipal Code (and other technical codes adopted therein) by means of an administrative citation;

WHEREAS, the State legislature has enacted other statutes (e.g., Civil Code Section 2929.3) that authorize municipalities to enforce State laws through the imposition of an administrative or civil fine/penalty; and,

WHEREAS, the City Council of Hemet desires to refine the administrative procedures related to the imposition, enforcement, collection, and administrative review of the administrative fines and penalties and administrative citations.

THE CITY COUNCIL OF THE CITY OF HEMET DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Division 4 ("Administrative Citations") of Article II ("Nuisances") of Chapter 30 ("Environment") of the Hemet Municipal Code is hereby repealed and deleted in its entirety; however, such repeal shall not affect or excuse any violation of said Division that occurred prior to the effective date of this Ordinance, nor shall such

repeal impede, deter, impact, or negate any administrative, civil, or criminal enforcement of any violation of said Division that occurred prior to the effective date of this Ordinance.

SECTION 2: Chapter 1 ("General Provisions") is hereby amended to add a new Article 1 ("In General"), inclusive of Sections 1-1 through 1-11, is hereby added to the Hemet Municipal Code.

SECTION 3: Subsection 1-8(i) of Article 1, Chapter 1 ("General Provisions") of the Hemet Municipal Code is hereby amended to read as follows:

(i) *Administrative citations.* Upon a finding by a city official vested with the authority to enforce the provisions of this Code that a violation exists, such official may issue an administrative citation under Article 2 of Chapter 1 of this Code.

SECTION 4: A new Article 2 ("Administrative Fines and Citations") is hereby added to Chapter 1 ("General Provisions") of the Hemet Municipal Code, and shall read as shown in Exhibit "A" hereto.

SECTION 5: CEQA FINDINGS.

The adoption of this Ordinance is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that this project would not have a significant effect on the environment.

SECTION 6: SEVERABILITY.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7: EFFECTIVE DATE.

This Ordinance shall take effect 30 days from its passage by the City Council of the City of Hemet.

SECTION 8: PUBLICATION.

The City Clerk is authorized and directed to cause this Ordinance to be published within 15 days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

INTRODUCED at the regular meeting of Hemet City Council on June 25, 2013.

APPROVED AND ADOPTED this ___ day of _____ 2013.

_____
Robert Youssef, Mayor

ATTEST:

_____
Sarah McComas, City Clerk

APPROVED AS TO FORM:

_____
Eric S. Vail, City Attorney

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Ordinance was introduced and first read on the 25th day of June 2013, and had its second reading at the regular meeting of the Hemet City Council on the ___ day of _____, 2013, and was passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
Sarah McComas, City Clerk

EXHIBIT "A"

"ARTICLE II – ADMINISTRATIVE FINES AND CITATIONS

Sec. 1-20. – Findings and Purpose

The City Council of the City of Hemet finds and declares as follows:

A. Enforcement of the Hemet Municipal Code and adopted ordinances throughout the City is an important public service in order to protect the health, safety, and welfare of the public. Although it is always the goal of the City to obtain voluntary compliance with its laws, the City Council recognizes that there will be instances where compliance must be compelled by administrative or judicial means when persons responsible for violations of the Code fail or refuse to voluntarily comply with applicable laws.

B. Government Code Section 53069.4 authorizes local jurisdictions to enact legislation making a violation of any local ordinance subject to an administrative fine or penalty. The State Legislature has also enacted other provisions of California law that allow local governments to impose administrative or civil fines/penalties for violations of specified provisions of State law. The City Council intends, pursuant to this statute, to establish an administrative citation program that:

1. Imposes a non-judicial administrative fine and/or penalty for offenses of the Hemet Municipal Code (including, but not limited to, any other code adopted therein) and other State laws as authorized by Statute;

2. Encourages prompt abatement or correction of prohibited conditions, uses or activities in the City; and,

3. Creates deterrence against future violations of the City's laws.

C. The administrative citation remedy is not intended to replace any other remedy allowed by the Hemet Municipal Code or state law. It is intended to

provide an alternative and/or additional means by which the City's laws may be enforced.

Sec. 1-21. – Definitions

As used in this Division, the following words are defined as follows:

A. "Administrative fine" and/or "administrative penalty" shall mean the monetary penalty established by resolution of the City Council that is imposed upon a Responsible Person by means of a Citation.

B. "Citation" shall mean an administrative citation that is issued to a Responsible Person pursuant to this Chapter.

C. "Citee" shall mean a Responsible Person to whom a citation is issued.

D. "City" shall mean the City of Hemet, California.

E. "City Manager" shall mean the chief administrative official of the City as appointed by the City Council.

F. "Code" shall include: (i) the entire Hemet Municipal Code and any other Code, rule, or regulation incorporated therein by adoption or reference, (ii) any uncodified ordinance adopted by the City Council of Hemet, (iii) any rule or regulation promulgated pursuant to the provisions of the Hemet Municipal Code, (iv) any condition of any permit, license, or other entitlement issued pursuant to this Code, and (v) other State laws as authorized by statute.

G. "Enforcement officer" and "Officer" shall mean any City employee with obligations to enforce the Hemet Municipal Code, including, but not limited to, the Code Enforcement Manager, Police Chief, Fire Chief, Building Official or their designees.

H. "Hearing officer" shall include a private entity, organization, association or person, or a public official, or duly constituted reviewing authority or commission that the City Manager designates or appoints to consider all timely requests for an administrative hearing upon issuance of a citation.

I. "Owner" shall mean and include any person having legal title to any real property in the City, including all persons shown as owners on the last equalized assessment roll of the Riverside County Assessor's Office. Owners include persons with powers of attorney, executors of estates, trustees, or who are court-appointed administrators, conservators, guardians or receivers. An owner of personal property shall be any person who has legal title, charge, control, responsibility for, or possession of such property.

J. "Person" shall mean and includes any individual, partnership of any kind, a corporation of any kind, limited liability company, association, joint venture or other organization or entity, however formed, as well as fiduciaries, trustees, heirs, executors, administrators, or assigns, or any combination of such persons. "Person" also includes any public entity or agency that acts as an owner in the City.

K. "Property" or "Premises" shall mean any real property, or improvements thereon, or portions thereof, as the case may be. "Property" includes any parkway or unimproved public easement abutting such real property. "Property" shall also include all forms of personal property or animals, where applicable.

L. "Responsible Person" shall mean any person, whether as an owner or an agent, manager, or representative of an owner, or otherwise, that allows, causes, creates, maintains, suffers, or permits a violation of the Code to exist or continue, by any act or the omission of any act or duty. A Responsible Person shall include any person who leases, rents, occupies or has charge, control or possession of, or responsibility for any real property in the City upon which a violation exists, or of any personal property that constitutes a violation.

M. "Violation" shall mean an act or omission of any act, or use or condition that constitutes an offense of the Code, as well as a breach or violation of any condition of a permit, approval or license issued pursuant to the Code.

Sec. 1-22. – Applicability and Scope

A. Use of this Division shall be at the sole discretion of the City and is one remedy that the City has to address violations of the Hemet Municipal Code or other applicable provisions of State law. By adopting this Division, the City does not intend to limit its discretion or ability to utilize any administrative, civil, criminal, or other remedy available at law or equity, or any combination thereof, to address violations of the City's laws.

B. This Division makes a violation of any provision, restriction, or requirement of this Code or any Code adopted by reference herein, any ordinance of the City, any rule or regulation promulgated pursuant thereto, or any condition of any permit, license, or other entitlement issued pursuant to this Code subject to an administrative fine.

C. This Division establishes the administrative procedures for the imposition, enforcement, collection, and administrative review of administrative fines and/or penalties pursuant to Government Code Section 53069.4.

D. An administrative fine in an amount adopted by resolution of the City Council shall be imposed by means of an administrative citation issued by an Enforcement Officer, and shall be paid directly to the City of Hemet (or authorized agent thereof). Payment of a fine shall not excuse a failure to correct a violation, nor shall it bar concurrent or further enforcement actions by the City.

E. The City Manager, or a designee thereof, may dismiss a citation at any time if a determination is made that it was issued in error, in which event any deposit of a fine shall be refunded. Notice of such action shall be given to the Citee in writing.

F. The City Manager, or a designee thereof, is authorized to promulgate procedural rules and regulations governing the provisions in this Chapter.

Sec. 1-23. – Issuance of Administrative Citation; Contents Thereof

A. Whenever an Officer determines that a violation of the Code has occurred, the Officer may issue a Citation on a City-approved form imposing an administrative fine or fines to the Responsible Person(s) in accordance with the provisions of this Division.

B. When the violation pertains to building, plumbing, electrical or other similar structural or zoning issues that creates an immediate danger to health or safety, a citation may be issued forthwith. In the absence of an immediate danger, a citation for a violation pertaining to building, plumbing, electrical, or other similar structural or zoning issues shall not be issued pursuant to this Chapter unless the Responsible Person has first been provided with a reasonable period, as determined by the Officer, in which to complete the abatement or compliance actions.

C. An Officer may issue a Citation for a violation not committed in the Officer's presence if the Officer has determined, through investigation, that the Citee did commit, or is otherwise responsible for, the violation.

D. Each day, or any portion thereof, that a prohibited condition, use or activity under the Code is committed, continued or permitted, shall constitute a separate violation for which an administrative fine may be imposed. A single Citation may charge multiple violations of the Code, however, each violation is subject to a separate and distinct administrative fine.

E. Each Citation shall contain the following information:

1. Name and mailing address of the Responsible Person.

2. The issuance date of the Citation.

3. The address or description of the location of the violation.

4. The date and approximate time of the commission of the violation(s), or detection thereof by an Officer.

5. The relevant provision(s) or section(s) of the Code alleged to have been violated;

6. A description of the violation(s);

7. Amount of the fine for each violation, the procedure and place to pay the fine(s) and/or re-inspection fees, and any late penalty and/or interest charge(s), if not timely paid;

8. When appropriate, the action(s) required to correct the violation(s), and, if applicable, any deadlines or time limitations for commencing and completing such action(s);

9. A description of the administrative citation review process and the manner by which a hearing on a Citation may be obtained (including the form to be used, where it may be procured from, and the period in which a request must be made in order to be timely);

10. The name and signature of the Officer, and the signature of the Citee, if he or she is physically present and willing to sign the Citation at the time of its issuance. The refusal of a Citee to sign a citation shall not affect its validity or any related subsequent proceeding, nor shall signing a Citation constitute an admission that a person has committed a violation of the Code;

11. A statement that the failure to timely tender the fine(s) and other fees, costs, and/or charges imposed pursuant to this Chapter may result in the recordation of a lien and/or the delay in issuance or renewal of any City license and/or permit;

12. A statement that the failure to correct any violation as referenced in the Citation could result in the recordation of a Declaration of Substandard Property with the Riverside County Recorder's Office; and,

13. Any other information deemed necessary by the City Manager.

Sec. 1-24. – Service of Administrative Citation and Notices

A. A Citation may be served either by personal delivery to the Citee or by first class mail through the United States Postal Service.

B. If served by personal delivery, the date of personal delivery of the Citation to the Citee shall constitute its issuance date and the date that service shall be deemed complete.

C. If served by first class mail, the Citation shall be sealed in an envelope with postage prepaid and addressed to the Citee at his or her last-known business, residence, or mailing address as same appears in public records of the City, the Riverside County Tax Assessor's Office, the Riverside County Recorder's Office, the California Department of Motor Vehicles, and/or the Secretary of State. In such instances, the date a Citation is deposited with the United States Postal Service shall constitute its issuance date, and the date that service shall be deemed complete.

D. If a Citation is personally sub-served upon an authorized agent, manager or representative of the Citee, a copy thereof shall also be served upon the Citee by first class mail at his or her last-known business, residence, or mailing address as same appears in public records of the City, the Riverside County Tax Assessor's Office, the Riverside County Recorder's Office, the California Department of Motor Vehicles, and/or the Secretary of State. In such instances, the date a copy of the Citation is deposited with the United States Postal Service shall constitute its issuance date, and the date that service shall be deemed complete

E. If service cannot be accomplished personally or by mail for Citations involving a real property-related violation of the Code, the officer shall post the Citation at a prominent location on the real property where the violation is alleged to have occurred. In such instances, the date of posting shall constitute the issuance date of the Citation, and the date that service shall be deemed complete.

F. Any notice or order given pursuant to any provision of this Division shall be served in the manner provided for in this section, unless otherwise stated.

G. Failure of a Citee to receive a Citation or notice given in the manner stated in this Section shall not invalidate any fine, late penalty charge, action or proceeding that is imposed or brought pursuant to this Division.

Sec. 1-25. – Imposition of Administrative fines, Late Penalty Charge, Interest Charges, and Re-Inspection Fees

A. **Fine**. The amounts of the fines imposed pursuant to this Division shall be set forth in a schedule of fines established by resolution of the City Council. The City Council may, by resolution, also impose escalating fines in amounts it deems appropriate for repeat offenses of the same ordinance. The amounts of fines may be modified from time to time by a resolution of the City Council.

1. If a violation is otherwise classified as an infraction under the Code, the administrative fine shall not exceed $100.00 for a first offense, $200.00 for a second offense of the same ordinance within a twelve month period of time, and $500.00 for a third or greater offense of the same ordinance within a twelve month period of time, as set forth in subdivision (b) of Section 25132 and subdivision (b) of Section 36900 of the California Government Code. The amounts of such fines may be modified from time to time by a resolution of the City Council provided they do not exceed the limits allowed by state law.

B. **Re-Inspection Fee**. In addition to any fine imposed pursuant to this Division, a re-inspection fee shall be assessed against any Responsible Person in an amount established by resolution of the City Council if the Responsible Person does not timely and completely correct or abate a violation (with all requisite approvals, permits, licenses, and/or inspections) after having received notification from the City to correct or abate same.

C. **Late Penalty Charge**. Failure to pay an administrative fine within the period specified on the citation shall result in the assessment of a late penalty charge in an amount established by resolution of the City Council – not to exceed

one hundred percent (100%) of the total fine owed (excluding any re-inspection fee).

D. **Interest**. Failure to pay an administrative fine within sixty (60) days of the issuance of a Citation or, if contested, within sixty (60) days of an order to pay pursuant to a decision by a hearing officer or judicial officer confirming the fine, shall result in the imposition of an interest charge at a rate established by resolution of the City Council. Interest shall not accrue on a late penalty charge or re-inspection fee. The rate of interest may be modified from time to time by resolution of the City Council.

Sec. 1-26. – Payment and Collection of Fines, Fees and Other Charges

A. **Payment**. All administrative fines and re-inspection fees imposed by means of a Citation shall be due from the Citee and shall be received by the City (or agent thereof) within thirty (30) calendar days from the date the Citation was served. Thereafter, a late penalty charge shall be due and owing, as well as interest, as imposed by this Division.

1. Administrative fines, re-inspection fees, late penalty charges, and any interest due shall be paid to the City at such location or address as stated in the citation, or as may otherwise be designated by the City Manager.

2. Payment of an administrative fine shall not excuse or discharge a Citee from the duty to immediately abate a violation of the Code, nor from any other responsibility or legal consequences for a continuation or repeated occurrence(s) of a violation of the Code.

3. Abatement of a violation shall not excuse the obligation of a Citee to pay an administrative fine or any other charges, fees, or costs imposed as a result of the issuance of a Citation.

B. **Collection**. Unpaid administrative fines and other charges, fees, or costs imposed in accordance with this Chapter shall constitute a debt that may be collected in any manner allowed by law, including, but not limited to: (i) the

filing of a civil action in the Riverside Superior Court; and/or, (ii) the recordation of a lien with the Riverside County Recorder's Office against Citee-owned property that was the subject of the Citation; and/or, (iii) by means of a special assessment against Citee-owned property that was the subject of the Citation; and/or, (iv) by means of collecting the debt using the California Franchise Tax Board "Inter-Agency Offset Program" (pursuant to Section 12419.10 of the California Government Code); and/or, (v) by denying the issuance or renewal of any City approval, license, permit, or other entitlement to any Citee who has failed to tender all unpaid administrative fines, late penalty charges, interest charges, or re-inspection fees. The City shall also be entitled to recover its attorneys' fees and costs arising from an action to collect an administrative fine and other charges, fees, or costs imposed in accordance with this Article, if it is the prevailing party and provided it made the election to seek attorney fees at the commencement of the action. A Citee shall be entitled to recover his or her attorney fees if the City made the election to seek attorney fees at the outset of the action and the Citee prevails thereon.

1. The City Manager, or a designee thereof, may promulgate policies and procedures for the City's election to use one or more of the foregoing collection remedies. Unless otherwise set forth in a policy promulgated by the City Manager, the recordation of a lien or special assessment for unpaid administrative fines, late penalty charges, interest charges, or re-inspection fees shall substantially comply with the procedures set forth in Chapter 30, Article II, Division 1 ("Public Nuisances") of this Code for the recordation of liens and special assessments for abatement costs.

Sec. 1-27. – Right to an Administrative Hearing; Waiver of Advance Deposit of Fine

A. **Appeal**. Any Citee may contest the violation(s), or that he or she is a Responsible Person, by filing a request for an administrative hearing in the

manner set forth on the citation within ten (10) calendar days from the issuance date of the Citation. If the request for a hearing is not timely received in the manner set forth on the Citation, the Citee shall have waived the right to a hearing and the citation shall be deemed final.

1. A request for a hearing shall contain the following:

a. The citation number.

b. The name, address, telephone and any facsimile numbers, of each person contesting the citation.

c. A statement of the reason(s) why a citation is being contested.

d. The date and signature of the Citee(s).

2. No filing fee shall be charged for the filing of a request for an administrative hearing.

3. A timely request for a hearing shall not excuse a Citee from the duty to immediately abate a violation of the Code, nor from any other responsibility or legal consequences for a continuation or repeated occurrence(s) of a violation of the Code.

B. **Advanced Deposit of Fine**. Requests for a hearing shall be accompanied by an advance deposit of the entire amount of the fine (and any accompanying re-inspection fee) stated in the Citation. Failure to deposit a fine (and accompanying re-inspection fee) within the required period, or the tender of a non-negotiable check, shall render a request for an administrative hearing incomplete and untimely, in which case the Citee shall have waived the right to a hearing and the Citation shall be deemed final. Fines that are deposited with the City shall not accrue interest. Fines deposited shall be returned to the person tendering the fines in the event a Citation is overturned.

1. **Hardship Waiver of Advance Deposit of Fine**. A Citee who is financially unable to deposit the administrative fine with his or her request for a hearing may complete a City-approved application form for an advance deposit hardship waiver (hereinafter, "Hardship Waiver"). This form and all

required accompanying records shall be tendered, along with a request for a hearing, to the Office of the City Clerk – Hemet City Hall, 445 East Florida Avenue, Hemet, California 92543, or as otherwise set forth on the Citation - within ten (10) calendar days from the issuance date of the Citation.

a. To be considered for a Hardship Waiver, the application form must be complete, signed, and must be accompanied by documents that enable the City to reasonably determine the Citee's present inability to deposit the fine. Documents suitable for consideration, may include, without limitation, accurate, complete and legible copies of state and federal income tax returns and all schedules for the preceding tax year; financial statements, loan applications, bank account records, income and expense records for twelve months preceding submittal of the waiver form, as well as other documentation demonstrating the Citee's financial hardship. The City may, at its sole discretion, request additional documents in order to determine a Citee's financial ability to tender an advance deposit of the fine. Failure to submit sufficient evidence of a Citee's financial inability to tender an advance deposit of the fine shall result in a denial of the Hardship Waiver.

b. Failure to submit a completed, signed Hardship Waiver form, along with sufficient records that support a claim of financial hardship, shall render any request for an administrative hearing incomplete and untimely. In this event, the Citee shall have waived the right to a hearing and the Citation shall be deemed final.

c. The City shall issue a written decision regarding the application for a Hardship Waiver. If the Hardship Waiver is denied, the written decision shall specify the reasons for not issuing the Hardship Waiver. All decisions for Hardship Waivers shall inform the Citee of the manner and time in which to retrieve the documents submitted by the Citee to the City in support of the Hardship Waiver application. This decision is final and non-appealable. The decision shall be served upon the person requesting the Hardship Waiver by first class mail to the address listed on the Hardship Waiver application.

(1) The City shall retain all documents submitted by a Citee to support an application for a Hardship Waiver for ten (10) calendar days after the date of the written decision on the application, and if the documents are not recovered by the Citee within said time, the City may, at any time thereafter, in its sole discretion and after a Citation is final or confirmed, destroy or discard the supporting documents without any further notice to the Citee.

(2) Approval of a Hardship Waiver shall result in the City setting a hearing pursuant to Section 1-28 of this Article.

(3) If the City determines that the Citee is not entitled to a Hardship Waiver, he or she shall tender the full amount of the administrative fine as set forth in the written decision on the Hardship Waiver within ten (10) calendar days of the date the decision is deposited with the U.S. Postal Service. In the event the City Clerk does not receive the full amount of the fine in the required period (i) the request for a hearing is rendered incomplete and untimely, (ii) the Citee shall have waived the right to a hearing and the Citation shall be deemed final, and (iii) a late penalty charge shall be imposed upon the administrative fine.

Sec. 1-28. – Administrative Hearing – Procedures

A. An administrative appeal hearing shall be scheduled and conducted within sixty (60) calendar days of the date a timely and complete request is received by the City. A Citee who files a request for an administrative hearing to contest a citation (hereinafter, "appellant") shall be notified in writing by first class mail of the date, time, and location of the hearing at least ten (10) calendar days prior to the date of the hearing. The failure of an appellant to receive a properly addressed notice shall not invalidate the Citation or any hearing or City action or proceeding conducted pursuant to this Chapter.

B. At the place and time set forth in the written notice of administrative hearing, the Hearing Officer shall hear and consider the testimony of the issuing officer, the appellant(s), and/or their witnesses, as well as any documentary evidence presented by these persons concerning the violation(s) alleged in the Citation.

C. Administrative hearings are informal, and formal rules of evidence and discovery do not apply. The City bears the burden of proof to establish a violation and responsibility therefore by a preponderance of evidence. The issuance of an administrative citation shall constitute prima-facie evidence of the violation and the Enforcement Officer who issued the Citation is not required to attend or participate at the hearing. The appellant(s), and Officer, if present, shall have an opportunity to present evidence and witnesses and to cross-examine witnesses. An appellant may bring an interpreter to the hearing at the appellant's sole expense. The hearing officer may question any person who presents evidence or who testifies at any hearing.

D. An appellant shall appear at the hearing in person. If the appellant fails to attend the scheduled hearing, the hearing officer shall cancel the hearing and send a notice thereof to the appellant(s) by first class mail to the address(es) stated on the appeal form. A cancellation of a hearing due to non-appearance of the appellant shall constitute the appellant's waiver of the right to appeal. In such instances, the Citation (and corresponding fine and other applicable fees) shall be deemed final.

E. Hearings may be continued once at the request of an appellant or the Officer who issued the citation. Any request by an appellant to continue a hearing must be submitted to the City Clerk in writing no later than two (2) business days before the date scheduled for the hearing. The hearing officer may continue a hearing for good cause or on his/her own motion; however, in no event may the hearing be continued for more than thirty (30) calendar days without stipulation by all parties.

Sec. 1-29. – Hearing Officer Decision; Right of Appeal Therefrom

A. After considering all of the testimony and evidence submitted at the hearing, the Hearing officer shall issue a written decision to uphold or overturn the Citation based upon whether there was a preponderance of evidence that the violation(s) listed in the Citation existed or occurred and shall state the reasons therefore.

1. If the Citation is upheld and the violation has not been fully corrected as of the date of the hearing, the hearing officer shall order correction thereof in the decision and provide a deadline to complete said action(s) – which shall in no event be greater than thirty (30) calendar days from the date of the decision. The decision of the hearing officer shall be a final administrative decision.

2. If the Citation is upheld and the appellant did not deposit the fine at the time the appellant requested an administrative appeal hearing, the hearing officer shall also order the payment of the fine (and other applicable fees and costs) as set by Council resolution within twenty (20) calendar days of the decision.

3. If the Citation is overturned in whole or in part, the City shall refund the fine deposit corresponding to portion of the Citation that was overturned. Any such fine shall be mailed to the Responsible Person within forty-five (45) calendar days of the City's receipt of the Hearing Officer's decision and order.

B. The appellant(s) shall be served by first class mail with a copy of the hearing officer's written decision. The date the decision is deposited with the U.S. Postal Service shall constitute the date of its service. The failure of an appellant to receive a properly addressed decision shall not invalidate or any hearing, City action or proceeding conducted pursuant to this Chapter.

C. Decisions of the hearing officer are, in accordance with Government Code Section 53069.4(b), appealable to the superior court within twenty (20) days after the date of their service. Each decision shall contain a

statement advising the appellant(s) of this appeal right and the procedures and court-filing fee for its exercise. An appellant shall serve a copy of the court filed Notice of Appeal on the Office of the City Clerk – Hemet City Hall, 445 East Florida Avenue, Hemet, California 92543 - by personal service or first class mail within five (5) calendar days of filing the original thereof.

D. If a hearing officer's decision is not appealed in a timely manner, the decision shall be deemed confirmed, final, and binding.

E. An appeal from a hearing officer's decision is not appealable to the City Council and the superior court is the sole reviewing authority. The appeal hearing before the Superior Court shall be heard de novo, except that the contents of the City's file in the case (including the Citation) shall be received in evidence and shall constitute prima facie evidence of the facts stated therein.

1. If a Responsible Person prevails on appeal, the City shall reimburse his or her filing fee, as well as the fine deposit in accordance with the court judgment. These monies shall be mailed to the Responsible Person within forty-five (45) calendar days of the City's receipt of a notice of judgment or ruling from the superior court clerk.

Sec. 1-30. – Penalties

Failure of a Citee to comply with a corrective action stated in any uncontested citation, or with regard to a correction order in any hearing officer decision that is deemed confirmed and not appealed to the superior court, shall constitute a misdemeanor. A Citee's willful non-payment of administrative fines, late penalty charges, interest charges or re-inspection fees shall constitute a misdemeanor."

Attachment No. 2

Existing Text of HMC
Chapter 30
Article II
Division 4

DIVISION 4. - ADMINISTRATIVE CITATIONS [6]

Sec. 30-80. - Purpose and intent.
Sec. 30-80.1. - Definitions.
Sec. 30-80.2. - General citation authority and applicability.
Sec. 30-80.3. - Notice of violation.
Sec. 30-80.4. - Service procedures.
Sec. 30-80.5. - Administrative citation procedure.
Sec. 30-80.6. - Assessment of administrative citation fine.
Sec. 30-80.7. - Satisfaction of administrative citation.
Sec. 30-80.8. - Collection of unpaid fines and penalties.
Sec. 30-80.9. - Request for administrative hearing.
Sec. 30-80.10. - Administrative hearing procedure.
Sec. 30-80.11. - Administrative hearing decision.
Sec. 30-80.12. - Right to judicial review.

Sec. 30-80. - Purpose and intent.

The enforcement of the city's Municipal Code is vital to the protection of the public's health, safety and quality of life. Under Government Code § 53069.4, the city is authorized to adopt an administrative citation program as an alternative method of enforcing Code violations. The purpose of issuing administrative citations pursuant to this division is to encourage compliance with the provisions of this Code and to provide a method of holding persons responsible when they fail or refuse to comply with the provisions of this Code. The use of this division is also intended to minimize the expense and delay associated with pursuing Code violations through the civil or criminal justice system.

(Ord. No. 1791, § 2(Exh. B), 2-12-08)

Sec. 30-80.1. - Definitions.

For the purposes of this division, the following definitions apply to these words and phrases:

Administrative citation or *citation* means a written notice to a responsible person that a violation of this Code has occurred and an assessment of a civil fine issued by a code enforcement officer.

Administrator means the city manager of the City of Hemet or the city manager's designee, including but not limited to the code enforcement manager.

Continuing violation means either (1) a particular violation of the Code continuing for more than 24 hours without correction or abatement, or (2) a repeated, consecutive violation of the same offense without intervening days.

Enforcement official means code enforcement manager, police chief, fire chief, building official, their designees, and any person authorized to enforce certain provisions of this Code.

Legal interest means any interest that is represented by a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien or other similar instrument, which is recorded with the county recorder.

Notice of violation means a written notice to a responsible person that a violation of this Code has occurred and a warning that an administrative citation assessing fines will be issued unless the violation is ceased and abated.

Responsible person means any person or persons that an enforcement official determines is responsible for causing or maintaining a violation of this Code. The term "responsible person" includes, but is not limited to, a property owner, tenant, person with a legal interest in real or personal property, or person in possession or control of real or personal property.

(Ord. No. 1791, § 2(Exh. B), 2-12-08)

Sec. 30-80.2. - General citation authority and applicability.

(a) This division authorizes use of administrative citations that are in addition to all other legal remedies, criminal or civil, that the city may pursue to address any violation of this Code.

(b) The use of this division is at the sole discretion of the city manager, city attorney, and the city's enforcement officials.

(c) Any enforcement official, upon determining that a provision of this Code which such officer is charged to enforce has been violated, has the authority to issue an administrative citation to any responsible person in accordance with the procedures set forth in this division.

(d) Any responsible person violating any provision of this Code, or causing, permitting or maintaining a violation of any provision of this Code may be issued an administrative citation by an enforcement official in accordance with the procedures set forth in this division.

(e) Each and every day a violation of this Code exists constitutes a separate and distinct offense and will be subject to a separate fine. A single citation may charge a violation for one or more days on which a violation exists, and for the violation of one or more Code sections. A citation may also designate a violation to be a continuing violation, if applicable. Continuing violations will automatically accrue fines beginning on the date the citation is issued until verification of abatement pursuant to section 30-80.7(c).

(Ord. No. 1791, § 2(Exh. B), 2-12-08)

Sec. 30-80.3. - Notice of violation.

(a) Whenever an enforcement official determines that a violation of this Code exists, the enforcement official may issue a notice of violation to a responsible person prior to issuing an administrative citation. The notice of violation serves as a written warning of responsibility and requires immediate action by the responsible person to cease and abate the violation. The notice of violation must include the information set forth in section 30-80.5(b)(1) through (5) and a date by which the violation can reasonably be ceased and abated. If the violation is not ceased or abated by the end of the correction period stated in the notice, the enforcement official may issue an administrative citation.

(b) In accordance with Government Code § 33069.4, no responsible person will be assessed an administrative fine under this division for a continuing violation pertaining to a building,

plumbing, electrical or similar structural or zoning issue that does not create an immediate danger to the public health or safety without first receiving a notice of violation and a reasonable opportunity to correct or otherwise remedy the violation. In such circumstance, the stated period available to correct the violation prior to the assessment of a fine must be appropriate to the violation as determined by the code enforcement officer, but in no event less than seven days. If, after the correction period stated in the notice, the violation is not ceased or abated, the enforcement official may issue an administrative citation.

(c) Any responsible person receiving notice for a continuing violation may petition the administrator for an extension of time to correct the violation so long as the petition is received before the end of the correction period. The administrator may grant an extension of time to correct the violation if the responsible person has supplied sufficient evidence showing the correction cannot reasonably be made within the stated period.

(d) The requirement of a reasonable opportunity to cure a violation does not apply in instances where in the discretion of the administrator, a Code violation poses an immediate danger to the public health or safety.

(Ord. No. 1791, § 2(Exh. B), 2-12-08)

Sec. 30-80.4. - Service procedures.

(a) Except as otherwise provided in this division, whenever notice is required to be given under this division, it must be given in one of the following ways:

(1) Personal service.

(2) Certified mail, postage prepaid, return receipt requested. Concurrently, the same notice should be sent by regular mail. If a notice that is sent by certified mail is returned unsigned, then service will be deemed effective by regular mail, provided that notice is not returned. Service by mail will be effective on the date of mailing.

(3) Posting the notice conspicuously on or in front of the affected property or any other real property within the city in which the city has knowledge that the responsible person has a legal interest.

(b) The failure of any responsible person to receive any notice served in accordance with this section will not affect the validity of any proceedings taken under this division.

(c) The notice procedures in this section do not apply to an initial notice of violation, which may be sent by regular mail or personally served. Service of a notice of violation by mail is effective on the date of mailing.

(Ord. No. 1791, § 2(Exh. B), 2-12-08)

Sec. 30-80.5. - Administrative citation procedure.

(a) Upon determining that a violation of this Code exists, a code enforcement officer may issue an administrative citation to any responsible person. A single administrative citation may cite multiple violations of the Municipal Code.

(b) Administrative citations will be issued on a form approved by the city attorney, and at a minimum will contain the following information:

(1) Name of the person who is charged as a responsible person for the violation.

(2) The issuance date of the administrative citation.

(3) Date, approximate time, and address or definite description of the location where the violation was observed.

(4) The Code sections or conditions violated and a description of the violation.

(5) A description of the actions necessary to correct the violation.

(6) An order to the responsible person to immediately correct the violation and an explanation of the consequences of the failure to correct the violation.

(7) Whether the offense is a continuing violation which will accrue fines on a daily basis until properly ceased and abated.

(8) The amount of the fine for the violation, including the amount due for the initial violation and any prospective daily fine for failure to abate the violation (if applicable to a continuing violation).

(9) An explanation of how the fine must be paid and the time period by which it must be paid.

(10) An explanation of how the abatement of the violation can be properly verified (if applicable).

(11) Identification of rights of appeal, including the time within which the citation may be contested, the place to obtain a request for hearing form to contest the administrative citation, and notice of the possibility that the hearing officer may award the city the cost of scheduling the appeal hearing if the hearing officer determines that the appeal was either requested to delay compliance with the Municipal Code or was totally and completely without merit.

(12) The name and signature of the enforcement official and if possible the signature of the responsible person.

(13) Notice that the violation is a nuisance and that collection of unpaid fines and costs can be enforced as a lien against the property where the violation occurs and that an unpaid lien can result in the property being involuntarily sold.

(Ord. No. 1791, § 2(Exh. B), 2-12-08)

Sec. 30-80.6. - Assessment of administrative citation fine.

(a) The amount of the fine will be assessed according to a schedule of fines adopted by city council resolution. The schedule may include escalating fine amounts for repeat violations occurring within specified periods of time, and fines may vary depending on the particular Code provision violated.

(b) Where no amount is specified by resolution of the city council, the following fines will apply:

(1) A fine not exceeding $100.00 per day for a first violation.

(2) A fine not exceeding $200.00 per day for a second violation of the same Code provision or permit within one year from the date of the first violation.

(3) A fine not exceeding $500.00 per day for each additional violation of the same Code provision or permit within one year from the date of the first violation.

(c) A penalty of ten percent will be added on any delinquent fines on the last day of each month after the due date.

(d) In addition to the late penalty provided by this section, delinquent fines will accrue interest at the rate of one percent per month, exclusive of penalties, from the due date.

(Ord. No. 1791, § 2(Exh. B), 2-12-08)

Sec. 30-80.7. - Satisfaction of administrative citation.

(a) Upon receipt of a citation, the responsible person must do the following:

(1)

Pay the fine within 30 days from the date of the administrative citation. All fines assessed are payable to the city. Payment of a fine does not excuse or discharge the failure to correct the violation nor will it bar further enforcement action by the city.

(2) Cease and abate the violation. If the offense is a continuing violation and the responsible person fails to properly cease and abate the violation, fines will accrue for each day until the abatement is properly verified. Additionally, subsequent administrative citations may be issued for the same violation. The amount of the fine for failure to correct the violation will increase at the rate specified in this division or as established by city council resolution.

(b) At any time following 30 days after the issuance of the citation, the city may deliver a collection bill to the responsible person requiring payment for all outstanding amounts owed for the violation, including the amount due for the initial violation and any accrual of daily fines from the date the citation was issued to the date the abatement of the offense is properly verified (if applicable) plus any appropriate late payment charge, less any amount remitted pursuant to subsection (a) of this section.

(c) The abatement of a continuing violation must be verified by an enforcement official. The responsible person must contact the phone number designated on the citation and schedule an inspection by an enforcement official. Fines will accrue until the abatement is verified, less any days delayed by action of the city in scheduling such inspection.

(Ord. No. 1791, § 2(Exh. B), 2-12-08)

Sec. 30-80.8. - Collection of unpaid fines and penalties.

(a) The failure of any person to pay a fine or penalty assessed by administrative citation within the time specified on the citation constitutes a debt to the city. To enforce that debt, the city may file a civil action, lien the subject property as set forth below, or pursue any other legal remedy to collect such debt. A person who fails to pay any fine or other charge owed to the city under this division is liable in any action brought by the city for all costs incurred in securing payment of the delinquent amount, including, but not limited to, administrative costs and attorneys' fees. Such collection costs are in addition to any fines, interest, and late charges.

(b) In addition to any other legal remedy, the city may place a lien on property that is the subject of a citation if the citation has been issued to the property owner. The following procedure will apply:

(1) The administrator may initiate proceedings to record a lien against the subject property.

(2) Before recording the lien, the administrator shall submit a report to the city clerk stating the amounts due and owing. The report may include a fee, as established by city council resolution, for the administrative costs associated with the preparation and recordation of the lien.

(3) The city clerk shall fix a time, date, and place for a hearing before the administrator to consider the report and any protests or objections to it.

(4) The city clerk must serve the property owner with a hearing notice not less than ten days before the hearing date. The notice must set forth the amount of the delinquent administrative fine, and any penalties and interest that are due. Notice must be delivered first-class mail, postage prepaid, addressed to the property owner's address as it appears on the last equalized assessment roll or supplemental roll of the County of Riverside, whichever is more current. Service by mail is effective on the date of

mailing and failure of property owner to actually receive notice does not affect its validity.

(5) At the conclusion of the hearing, the administrator may adopt a report confirming, discharging, or modifying the lien amount.

(6) Following the adoption of the report imposing a lien, the city clerk shall cause the lien to be filed in the county recorder's office.

(7) After confirmation and recordation, the city shall present a copy of the lien to the county tax collector to add the amount of the lien to the next regular property tax bills levied against the parcel for municipal purposes. This amount will be collected at the same time and in the same manner as ordinary property taxes are collected, and will be subject to the same penalties and procedures under foreclosure and sale as provided for with ordinary municipal taxes. Or, after recording, the lien may be foreclosed by judicial or other sale in the manner and means provided by law.

(8) Once the city receives full payment for outstanding principal, penalties, and costs related to a lien, the city clerk will cause to be recorded a notice of satisfaction or provide the property owner with a notice of satisfaction for recordation at the county recorder's office. This notice of satisfaction will cancel the city's lien.

(Ord. No. 1791, § 2(Exh. B), 2-12-08)

Sec. 30-80.9. - Request for administrative hearing.

(a) Any person receiving an administrative citation may contest the citation by completing a request for hearing form and returning it to the city within ten business days after the issuance date of the administration citation. Any request for hearing must be accompanied by an advance deposit of the fine assessed by the citation for the initial violation, unless waived by subsection (c) of this section. If it is determined, after a hearing, that there was no violation as charged in the administrative citation, the advance deposit will be refunded.

(b) A request for hearing shall toll the daily fines accruing for a continuing violation.

(c) A person seeking an administrative hearing may request a hardship waiver of the fine deposit by filing with the city clerk a completed city form, which must be signed under penalty of perjury. The request must be submitted along with the request for hearing. The person requesting the waiver bears the burden of establishing that such person does not have the financial ability to make the deposit. The request will be decided by the administrator within three business days from date the request is received. The decision by the city manager or his/her designee is final.

(d) The failure to submit a timely and complete request for hearing will terminate a person's right to contest the citation and result in a failure to exhaust administrative remedies, and the order of the citation will serve as a final determination and conclusive evidence of the named responsible person's liability for the citation.

(e) The city clerk shall set a hearing before a hearing officer on a date that is not less than 15 and not more than 60 days from the date that the request for hearing is filed in accordance with the provisions of this section. The city shall notify the person requesting the hearing by regular mail of the date, time and place set for the hearing at least ten days prior to the date of the hearing and give that person any additional written reports filed concerning the violation that are provided to the hearing officer.

(Ord. No. 1791, § 2(Exh. B), 2-12-08)

Sec. 30-80.10. - Administrative hearing procedure.

(a) The administrator shall designate a hearing officer for the administrative citation hearing. The hearing officer shall not be a city employee or a member of the city attorney's office. The hearing officer shall be a person provided by the California Office of Administrative Hearings, JAMS, or similar organization, or an attorney licensed to practice law in the State of California in good standing with the California State Bar, or a retired judge, or retired superior court commissioner. The employment, performance evaluation, compensation and benefits of the hearing officer, if any, shall not be directly or indirectly conditioned upon the amount of administrative citations upheld by the hearing officer.

(b) No hearing to contest an administrative citation before a hearing officer will be held until a request for hearing form has been completed and submitted, and the fine has been deposited in advance, unless a hardship waiver is granted in accordance with section 30-80.9(c).

(c) The hearing officer may only consider evidence that is relevant to whether the violation occurred and whether the responsible person has caused or maintained the violation of this Code on the date specified on the administrative citation.

(d) At least ten days prior to the hearing, the city must provide the recipient of an administrative citation with copies of the citation, reports and other documents to be submitted to the hearing officer. No other discovery is permitted. Formal rules of evidence will not apply. If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served by certified mail on the person requesting the hearing at least five days prior to the date of the hearing.

(e) The person contesting the administrative citation will be given the opportunity to testify and present witnesses and evidence concerning the administrative citation.

(f) Unless requested in advance by the person contesting the administrative citation, neither the enforcement official nor any other representative of the city is required to attend the hearing, provided that any such appearance may be made at the discretion of the code enforcement officer or city manager.

(g) The failure of any recipient of an administrative citation to appear at the administrative citation hearing will constitute a forfeiture of the fine and a failure to exhaust administrative remedies, and the order of the citation will become the final determination. In addition, any person who requests an administrative citation hearing and fails to attend the hearing is liable to the city for the cost of the administrative hearing officer. However, in lieu of personally appearing at an administrative hearing, the person contesting the administrative citation may request that the hearing officer decide the matter based on the citation itself and any other documentary evidence submitted by the person receiving the citation or the city before the hearing date.

(h) The administrative citation and any additional documents submitted by the code enforcement officer to the hearing officer will constitute prima facie evidence of the violation and the respective facts contained in those documents.

(i) The hearing officer may continue the hearing and request additional information from the code enforcement officer or the recipient of the administrative citation prior to issuing a written decision.

(j) Once a hearing has been scheduled, the person contesting the administrative citation hearing may request a continuance of the hearing by submitting a written request to the hearing officer. The party seeking a continuance may be assessed the administrative hearing officer's cancellation fee.

(Ord. No. 1791, § 2(Exh. B), 2-12-08)

Sec. 30-80.11. - Administrative hearing decision.

(a) After considering all of the testimony and evidence submitted at the hearing, the hearing officer must issue a written decision within five business days after the hearing to uphold or deny the administrative citation and must list in the decision the reasons for that decision. The hearing officer will use preponderance of evidence as the standard of evidence in deciding issues. The decision of the hearing officer will be final.

(b) If the hearing officer determines that the administrative citation should be upheld, then any applicable fine amount on deposit with the city will be retained by the city. The hearing officer may also impose conditions and deadlines to correct the violation or require payment of any outstanding fines, penalties, and interest. The hearing officer may also assess the hearing officer's costs if he/she determines that the appeal was either requested to delay compliance with the Municipal Code or was totally and completely without merit.

(c) If the hearing officer determines that the administrative citation should be canceled or reduced because of an error in calculating the fine, the city will promptly refund the applicable amount of the deposited fine.

(d) The city shall serve the recipient of the administrative citation with a copy of the hearing officer's written decision by certified mail.

(Ord. No. 1791, § 2(Exh. B), 2-12-08)

Sec. 30-80.12. - Right to judicial review.

Any person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing a petition for review with the Riverside County Superior Court in accordance with the timelines and provisions set forth in California Government Code § 53069.4.

(Ord. No. 1791, § 2(Exh. B), 2-12-08)

FOOTNOTE(S):

--- *(6)* ---

Editor's note— *Section 2 and Exhibit B, of Ord. No. 1791, adopted Feb. 12, 2008, added provisions designated as §§ 30-80—30-92. Inasmuch as §§ 30-91 and 30-92 already exist and to allow for future expansion of Art. II, the provisions of Ord. No. 1791 have been redesignated as §§ 30-80—30-80.12.* *(Back)*

AGENDA # 23

Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Ronald E. Bradley, Interim City Manager
Deanna Elliano, Community Development Director

DATE: June 25, 2013

RE: **MUNICIPAL CODE AMENDMENT 13-005 pertaining to the Declaration and Abatement of Public Nuisance Conditions:** A city-initiated ordinance deleting Division 1 ("Generally") of Article II ("Nuisances") of Chapter 30 ("Environment") of the Hemet Municipal Code in its entirety, and adopting a new Division 1 ("Public Nuisances") in an effort to promote and sustain a high quality of life within the City and to protect the health, safety, and welfare of the community by refining those conditions and procedures regarding public nuisances. This ordinance is a component of the Hemet ROCS (Restoring Our Community Strategy) Program for the City of Hemet. **(Ordinance Bill No. 13-030)**

RECOMMENDED ACTION:

That the City Council:

1. *Introduce, read by title only, and waive further reading of Ordinance Bill No. 13-030, amending Chapter 30 of the Hemet Municipal Code regarding Public Nuisances and the associated regulations that will promote the maintenance of real property and enhance the appearance, habitability, occupancy, use, and safety of all structures and premises within the City; and*
2. *Direct staff to file a Notice of Exemption with the County Clerk in compliance with the California Environmental Quality Act.*

BACKGROUND:

The proposed ordinance is a component of the Hemet ROCS (Restoring Our Community Strategy) program, and is the 14th ordinance to be adopted under the Program to address public safety and community blight. The ordinance is an update to the existing provisions contained in Chapter 30, Article II, Division 1 of the Hemet Municipal Code (HMC) that define those conditions deemed to constitute public nuisances and the administrative procedures for the abatement of said conditions. Due to the number of changes to the existing code provisions, it is proposed to delete the current Division 1 in its entirety and adopt a new Division 1of Chapter 30. The proposed Ordinance Bill No. 13-030 is included as Attachment No. 1. The text of existing HMC Chapter 30, Article II, Division 1, which was initially adopted in 2000 and subsequently modified in 2003 and 2006, is included as Attachment No. 2 to this report for your reference.

The primary purposes in updating the existing HMC provisions are to:

(i) update and enhance those conditions that the City deems to be substandard and public nuisances;

(ii) to refine the administrative procedures to be used by the City to cause the abatement of public nuisances by City forces or agents thereof;

(iii) to provide the City the ability to provide adequate notice of substandard, hazardous, and nuisance conditions to non-owners of real property that have an actual or potential interest in real property; and

(iv) to provide procedures for the City to adequately defray the costs associated with the investigation and enforcement of laws pertaining to substandard, hazardous, and nuisance conditions by collecting fees, costs, and charges as authorized by State statutes or otherwise allowed pursuant to the City's police powers.

In preparing the draft ordinance, City staff reviewed a number of different ordinances adopted in other cities, and with the advice and assistance of the City Prosecutor's Office, incorporated the best practices in this proposed ordinance.

ANALYSIS:

Current Public Nuisance Regulations

The City's Municipal Code currently contains provisions (contained within Division 1 of Chapter 30, Article II) that define conditions and/or activities that constitute "public nuisances", and it further provides procedures for the abatement of said nuisance conditions. Most of the provisions contained within the existing code were adopted in 2000. Although there have been some subsequent amendments enacted by the City in order to respond to specific conditions that existed within our community, the current regulations do not reflect more recent changes in applicable laws, industry standards, and community expectations.

In attempting to utilize the current public nuisance regulations, Staff's efforts have been hampered due to the limited applicability of the public nuisance regulations, as well as the multiple and burdensome procedures outlined within the municipal code for abatement actions that are performed by the City forces when a responsible party fails to voluntarily comply. Additionally, the current procedures for recovering the City's abatement costs are time consuming and complex, and constrain the City's ability to recover all of its abatement costs.

The revised ordinance is a comprehensive "Public Nuisance Ordinance" that proposes to address the current limitations in the code, as well as to respond to concerns expressed by members of the public that the existing codes have limited applicability and enforcement mechanisms for common blighted conditions.

Ordinance Overview

The proposed modification to the City's Municipal Code would enhance those definitions of public nuisances currently contained within the municipal code to include additional conditions and uses of land that are generally offensive, detrimental to property values and community appearance, an obstruction or interference with the comfortable enjoyment of adjacent properties or premises (both public and private), and/or are hazardous or injurious to the health, safety, or welfare of the general public. The proposed Ordinance explicitly defines numerous terms and public nuisance

conditions in order to better notify the public of the conditions that would be deemed hazardous, substandard, and/or otherwise detrimental to the community's standards, as well as to assist Staff in interpreting and applying the law.

These modifications include regulations that will promote the appropriate maintenance of property and enhance conditions of appearance, habitability, occupancy, use and safety of all structures and premises in the City, and establish uniform administrative procedures for the City to correct or abate violations on real property in instances of imminent hazards, or when a property owner fails to voluntarily abate a public nuisance.

Abatement Procedures

The existing HMC provisions authorizing the use of City forces (or agents thereof) to abate public nuisance conditions do not allow for the expedient abatement of conditions that the City has deemed to be substandard, hazardous, and/or detrimental to the community. Rather, administrative nuisance abatement efforts by the City currently require multiple notices to the responsible parties for the nuisance conditions, as well as multiple opportunities to appeal determinations by the Community Development Director of the existence of nuisance conditions – thereby delaying the City's ability to protect the health, safety, and welfare of the general public by causing the abatement of these conditions in a timely fashion.

The Ordinance creates a uniform procedure for the abatement of all public nuisances, while still preserving a responsible party's "due process" rights by providing the responsible party with the ability to challenge the City's determination of a nuisance condition and the abatement actions. Under the proposed Ordinance, appeal hearings would be conducted by the City Manager (or duly appointed hearing officer), rather than by the Community Development Director and City Council (as is allowed under the current HMC provisions). The Community Development Director will continue to respond to and address initial citizen concerns if they believe a Notice of Abatement was issued incorrectly, prior to engaging in a formal administrative appeal process.

Order to Vacate Imminently Dangerous Buildings, Structures, and Premises

The proposed Ordinance also provides the ability and procedures for the Building Official, Fire Chief, and/or Health Official to order a building, structure, or premises to be vacated as a result of imminent dangers.

Currently, the City relies upon authorization and procedures from multiple external sources (e.g., Uniform Code for the Abatement of Dangerous Buildings, Uniform Housing Code, California Health & Safety Code) in its effort to vacate structures and premises as a result of imminently hazardous conditions. This creates a lack of uniformity in procedures. The proposed Ordinance provides a uniform procedure for the Building Official, Fire Chief, and/or Health Official to protect the occupants of real property and the general public from immediately hazardous conditions.

Recordation of "Declaration of Substandard Property"

The proposed Ordinance also provides staff with an additional tool to ensure that persons, other than the owner-of-record, who may have an interest or potential interest in real property on which a public nuisance exists, be notified of the hazardous, substandard, and/or nuisance condition.

Specifically, the Ordinance would allow the City to record a "Declaration of Substandard Property" with the County Recorder's Office if, after the issuance of appropriate notice to the property

owner, a responsible party fails to abate a public nuisance condition. The Declaration would only be withdrawn/terminated upon the abatement of the public nuisance condition.

By recording a Declaration with the County Recorder's Office, persons with a potential interest in the real property (e.g., prospective lien holders and/or buyers) will receive actual and/or constructive notice of the existing public nuisance(s). This is especially important when the public nuisance condition is not readily apparent to a person with an interest in acquiring the property, such as an unpermitted use of the property or structure thereon, or illegal alterations or additions to structures, etc.

Cost Recovery

The current code allows for only partial recovery of those costs directly associated with the abatement of public nuisances, and the procedure is lengthy, cumbersome, and limited.

The proposed Ordinance would streamline the cost recovery procedures and allow for a more accurate, complete and efficient recovery of all costs associated with the investigation, enforcement, and abatement of public nuisance conditions – both direct and incidental, while still preserving the due process right of a responsible party to challenge the City's assessment of said costs. Attorneys' fees would also be recoverable in non-criminal proceedings.

Moreover, the proposed Ordinance would allow the City the option of recording either a "nuisance abatement lien" or a "special/tax assessment" in its effort to fully recover the costs associated with the abatement of public nuisances.

CONCLUSION

As with all aspects of local government, Cities must routinely review their laws and regulations and ensure that they continue to meet the needs of the community. The City Council and staff have been increasingly aware of the impact that substandard, hazardous, and other nuisance conditions have upon the health, safety, welfare, and property values in the community, and have taken a strategic approach to addressing these issues through the Hemet ROCS program. The proposed Ordinance seeks to increase the community's standards through streamlining and expediting the City's ability to abate public nuisances, and by allowing the City to recover all of its costs when it is necessary for the City to take affirmative action to protect the general public.

COORDINATION & PUBLIC REVIEW:

The proposed ordinance was prepared by the City Prosecutor in conjunction with Community Development Department staff. The Hemet ROCS Citizen Advisory Committee (CAC) reviewed the draft ordinance at their meeting of May 23, 2013, and took action to recommend adoption of the ordinance to the City Council. No members of the public in attendance at the meeting spoke in regard to this item.

CONSISTENCY WITH ADOPTED GOALS, PLANS, AND PROGRAMS:

The proposed ordinance is a component of the Hemet ROCS program, which the City Council had identified as a Strategic Goal in 2012, and has continued in 2013. In addition, the proposed ordinance is consistent with the following General Plan 2030 Implementation Programs and Policies:

***LU-P-36: Hemet ROCS**. The City shall prepare ordinances and implementation programs to achieve the Hemet "Restoring Our Community Strategy" to address issues associated with vacant and absentee properties, maintenance issues, blight, and crime, in order to enhance the quality of life for Hemet Citizens.*

***POLICY LU-4.6:** Provide pro-active, equitable, consistent and effective code compliance activities, nuisance abatement, property maintenance enforcement functions ....to insure that Hemet's neighborhoods and business district are attractive, safe, and retain property values.*

***POLICY LU-4.7:** Monitor the appearance of residential, commercial and industrial properties to prevent areas of decline by requiring improved maintenance or rehabilitation, as necessary and practical.*

CEQA REVIEW AND COMPLIANCE:

The City has analyzed this proposed ordinance and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Whereas here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The addition of this section to Chapter 46 of the Hemet Municipal Code does not relate to any physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment and, therefore, the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

FISCAL IMPACT:

The proposed Ordinance will serve to increase the cost-effectiveness of the nuisance abatement process by streamlining the administrative procedures, and enhancing the City's ability to recover costs associated with the investigation, enforcement, and abatement of public nuisance conditions.

Respectfully submitted,

Deanna Elliano
Community Development Director

Attachments:

1. City Council Ordinance Bill No. 13-030 regarding the declaration and abatement of public nuisance conditions.
2. Existing text of HMC Chapter 30, Article II, Division I

Attachment No. 1

City Council
Ordinance Bill No. 13-030
Regarding the Declaration
And Abatement of
Public Nuisance
Conditions

CITY OF HEMET
Hemet, California
ORDINANCE BILL NO. 13-030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET DELETING DIVISION 1 ("GENERALLY") OF ARTICLE II ("NUISANCES") OF CHAPTER 30 ("ENVIRONMENT") OF THE HEMET MUNICIPAL CODE, AND ADDING A NEW DIVISION 1 ("PUBLIC NUISANCES").

WHEREAS, Section VII of Article XI of the California Constitution provides that a City may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

WHEREAS, California Government Code sections 38771 and 38772, respectively, provide that legislative bodies of Cities may declare what constitutes a nuisance and provide for the summary abatement of any nuisance.

WHEREAS, the City Council finds that nuisance conditions are offensive and/or annoying to the senses, detrimental to property values and community appearance, an obstruction or interference with the comfortable enjoyment of adjacent properties or premises (both public and private), and/or are hazardous or injurious to the health, safety, and/or welfare of the general public.

WHEREAS, it is the City Council's desire to promote and sustain a high quality of life within the City and to protect the health, safety, and welfare of the City's residents, business community, and guests by developing and utilizing regulations that promote the sound maintenance of property and that enhance the appearance, habitability, occupancy, use, and safety of all structures and premises in the City.

WHEREAS, the City Council wishes to allow City Staff to be able to provide notice of substandard, hazardous, and other nuisance conditions to non-owners of real property that have an actual or potential interest in the real property.

WHEREAS, the City Council believes that it is the responsibility of owners and occupants of real property to voluntarily fulfill their legal obligations to maintain real property free of any public nuisance conditions, it also understands that on limited occasions the City must exercise its rights to summarily abate a public nuisance if voluntary compliance is not forthcoming.

WHEREAS, the City Council wishes to refine the current administrative procedures for the City's use, upon its election, to correct or abate nuisance conditions on real properties throughout the City, while still protecting the responsible parties' right to due process under the law.

WHEREAS, the City Council wishes to responsibly defray the costs associated with the investigation and enforcement of applicable laws, and the abatement of substandard, hazardous, and/or other nuisance conditions by adopting and utilizing administrative procedures to collect fees, costs or charges as authorized by State statutes or as otherwise allowed pursuant to the City's police powers.

WHEREAS, California Health and Safety Code Section 17951(a) authorizes the City to prescribe fees to defray its costs of enforcement of State Housing Law regulations that relate to apartment houses, hotels, motels, and dwellings, and buildings and structures accessory thereto, as well as with regard to the premises they are located on.

WHEREAS, California Government Code Section 54988(a)(1) authorizes the City to collect fees, costs or charges for all types of structures and premises with regard to: (i) correction of violations of the Code that would also be violations of California Civil Code section 1941.1 (with regard to untenable dwellings); (ii) enforcement of zoning ordinances adopted pursuant to Chapter 4 (commencing with Section 65800) of Division

1 of Title 7 of the Government Code or any other constitutional or statutory authority (iii) inspections and abatement of violations of Article 1 (commencing with Section 13100) of Chapter 1 of Part 2 of Division 12 of the Health and Safety Code and regulations or ordinances adopted pursuant to that article; (iv) inspections and abatement of violations of the State Housing Law and regulations or ordinances adopted pursuant to that part; (v) inspections and abatement of violations of the California Building Standards Code (Title 24 of the California Code of Regulations); and (vi) inspections and abatement related to local ordinances and regulations that implement any of the foregoing.

WHEREAS, several State statutes, including, but not limited to California Government Code Sections 38773.1, 38773.2, 38773.5, 38773.6, and 54988, either explicitly or impliedly authorize local jurisdictions to enact procedures by ordinance to collect fees, costs, and penalties either by means of a lien or a special assessment.

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

SECTION 1: Division 1 ("Generally") of Article II ("Nuisances") of Chapter 30 ("Environment") of the Hemet Municipal Code is hereby repealed and deleted in its entirety; however, such repeal shall not affect or excuse any violation of said Division that occurred prior to the effective date of this Ordinance, nor shall such repeal impede, deter, impact, or negate any administrative, civil, or criminal enforcement of any violation of said Division that occurred prior to the effective date of this Ordinance.

SECTION 2: A new Division 1 ("Public Nuisances") is hereby added to Article II ("Nuisances") of Chapter 30 ("Environment") of the Hemet Municipal Code and shall read as shown in Exhibit "A" hereto.

SECTION 3: CEQA FINDINGS.

The adoption of this Ordinance is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that this project would not have a significant effect on the environment.

SECTION 4: SEVERABILITY.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5: EFFECTIVE DATE.

This Ordinance shall take effect 30 days from its passage by the City Council of the City of Hemet.

SECTION 6: PUBLICATION.

The City Clerk is authorized and directed to cause this Ordinance to be published within 15 days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

INTRODUCED at the regular meeting of Hemet City Council on June 25, 2013.

APPROVED AND ADOPTED this ___ day of _____ 2013.

_____
Robert Youssef, Mayor

ATTEST:

_____
Sarah McComas, City Clerk

APPROVED AS TO FORM:

_____
Eric S. Vail, City Attorney

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Ordinance was introduced and first read on the 25th day of June 2013, and had its second reading at the regular meeting of the Hemet City Council on the ___ day of _____, 2013, and was passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
Sarah McComas, City Clerk

EXHIBIT "A"

"DIVISION 1 – PUBLIC NUISANCES

Part 1 – Nuisances Enumerated

Section 30-31. Purpose, and Intent

A. **Purpose and Intent**. The purpose and intent of this Division are as follows:

1. To promote and sustain a high quality of life within the City and to protect the health, safety, and welfare of the City's residents, business community, and guests by developing and utilizing regulations that promote the sound maintenance of property and that enhance the appearance, habitability, occupancy, use, and safety of all structures and premises in the City.

2. To define as public nuisances and violations those conditions and uses of land that are offensive or annoying to the senses, detrimental to property values and community appearance, an obstruction or interference with the comfortable enjoyment of adjacent properties or premises (both public and private), and/or are hazardous or injurious to the health, safety, or welfare of the general public.

3. To establish administrative procedures for the City's use, upon its election, to correct or abate violations of this Division on real property throughout the City, while protecting the right of responsible persons to due process of law.

4. To set forth procedures for providing sufficient notification of substandard, hazardous, and other nuisance conditions to non-owners of real property who have an actual or potential interest in the real property.

5. To responsibly defray the costs associated with the investigation and enforcement of applicable laws, and the abatement of substandard, hazardous, and/or other nuisance conditions by adopting and utilizing administrative procedures to collect fees, costs or charges as authorized by State statutes or as otherwise allowed pursuant to the City's police powers.

6. This Division is not intended to enforce conditions, covenants and restrictions ("CC & Rs") on real property, or to supersede any less restrictive CC & R. This Division will be enforced uniformly within the City regardless of CC & Rs. Therefore, this Division does not abrogate the right of any homeowner's association or private citizen to take action, legal or as otherwise provided in the CC & Rs, to force compliance with the CC & Rs applicable to their tract or association even though the
CC & Rs may be the same, more restrictive, or may not be covered by this Division.

7. This Division is not intended to be applied, construed or given effect in a manner that imposes upon the City, or upon any officer or employee thereof, any duty towards persons or property within the City or outside of the City that creates a basis for civil liability for damages, except as otherwise imposed by law.

Section 30-32. Definitions

As used in Division, the following definitions shall apply. For purposes of this Division, these definitions shall supersede any other definitions of the same terms elsewhere in this Code.

A. "Abandoned structure" shall mean real property, or any building or structure thereon, that is vacant and is maintained in an uninhabitable condition or a condition of disrepair or deterioration as evidenced by the existence of public nuisances therein, or that is vacant and under a current notice of default and/or notice of trustee's sale, pending tax assessor's lien sale, or that is vacant and has been the subject of a foreclosure sale where title was retained by the beneficiary of a deed of trust involved in the foreclosure. Factors that may also be considered in a determination of an abandoned structure include, without limitation: present operability and functional utility; the presence of non-functional, broken or missing doors or windows, such that entry therein by unauthorized persons is not deterred; the existence of real property tax delinquencies for the land upon which the structure is located; age and degree of

obsolescence of the structure, and the cost of rehabilitation or repair versus its market value.

B. "Abandoned personal property" shall mean and refers to any item, object, thing, material or substance that, by its condition of damage, deterioration, disrepair, non-use, obsolescence or location on public real property or on private real property, causes a reasonable person to conclude that the owner has permanently relinquished all right, title, claim and possession thereto, or that the object, thing, material or substance cannot be used for its intended or designed purpose. Abandoned personal property may include junk and vehicles.

C. "Abatement costs" shall mean all costs, fees, and expenses, incidental or otherwise, incurred by the City in investigating and abating a public nuisance.

D. "Attractive nuisance" shall mean any building, structure, device, equipment, instrument, item, machine, or condition that is unsafe, unprotected and may prove detrimental to minors whether in a structure or in outdoor areas of developed or undeveloped real property. This includes, without limitation, any abandoned or open and accessible building, structure, well, shaft, basement or excavation; any abandoned refrigerators and abandoned or inoperable motor vehicles; any structurally unsound fences or structures; or, any lumber, trash, fences, debris or vegetation which may prove hazardous or dangerous to inquisitive minors. An attractive nuisance shall also include pools, standing water or excavations containing water, that are unfenced or otherwise lack an adequate barrier thereby creating a risk of drowning, or which are hazardous or unsafe due to the existence of any condition rendering such water to be clouded, unclear or injurious to health due to, without limitation, any of the following: bacterial growth, infectious or toxic agents, algae, insect remains, animal remains, rubbish, refuse, debris, or waste of any kind.

E. "Building" shall mean any structure designed, used, or maintained for the shelter or enclosure of persons, animals, chattels, equipment, or property of any kind, and shall also include structures wherein things may be grown,

made, produced, kept, handled, stored, or disposed of, and all appendages, accessories, apparatus, appliances, and equipment installed as a part thereof.

F. "City" shall mean the City of Hemet.

G. "City Manager" shall mean the City Manager or designee thereof.

H. "City Personnel" shall mean any City employee, representative, agent, contractor, or service provider designated by the City Manager to abate a public nuisance.

I. "Code", "Codes", and "Hemet Municipal Code" shall mean to the Hemet Municipal Code and any code, law, or regulation incorporated therein by reference, the Hemet Zoning Code, and any adopted and uncodified ordinances.

J. "Code Enforcement Fees" shall mean fees imposed by the city to defray its costs of code enforcement actions, pursuant to California Government Code Section 54988 and California Health and Safety Code Section 17951 (and any successor statutes thereto), the Hemet Building Code, and any other applicable local, State, or Federal law, as well as by the City's police powers as authorized by the California Constitution, including, but not limited to, the time and other resources of public officials and city consultants expended by them in identifying, inspecting, investigating, seeking or causing the abatement of a violation at a real property. Examples of code enforcement actions include, but are not limited to, site inspections, drafting reports, taking photographs, procuring other evidence, engaging in meetings with other officials of the city or other agencies, engaging in conferences and communications with responsible persons, their agents or representatives, concerning a violation, as well as with attorneys for the city at any time, and appearances before judicial officers or reviewing authorities during the commencement or pendency of a judicial or administrative hearing. The time and resources that public officials and city consultants further expend to confirm that a real property remains free of a violation while a responsible person is on probation to a court or when a matter concerning a property remains pending before a reviewing authority in an administrative action, shall also constitute code enforcement actions.

K. "Code Enforcement Officer" shall mean any individual employed by the City with primary enforcement authority for City Codes, or his or her duly authorized representative(s).

L. "Commercial vehicle" shall mean any vehicle of a type required to be registered under the State of California Vehicle Code used or maintained for the transportation of persons for hire, compensation or profit, or designed, used, or maintained primarily for the transportation of property or for other commercial purposes. Passenger vehicles that are not used for the transportation of persons for hire, compensation, or profit, recreational vehicles, house cars (motor homes), and vanpool vehicles are not commercial vehicles

M. "Compliance period" shall mean the period of time and/or required schedule set forth in a Notice of Abatement and/or an Order of Abatement within which all nuisance abatement actions referenced in such Notice of Abatement and/or Order of Abatement must be completed.

N. "Controlled substances" shall mean any substance that is declared by State or Federal law to be a controlled substance.

O. "Fire Hazard" shall include, but shall not be limited to, any device, equipment, waste, vegetation, condition, thing, or act which is in such a condition that it increases or could cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing, or extinguishing fire or that otherwise provides a ready fuel to augment the spread and intensity of fire or explosion arising from any cause; or any device, equipment, waste, vegetation, condition, thing, or act which could obstruct, delay, hinder, or interfere with, or may become the cause of obstruction, delay, or hindrance of, the operations of the Fire Department or other emergency service personnel or the egress of the occupants in the event of fire.

P. "Graffiti" shall mean any unauthorized inscription, word, figure, mark, or design that is written, marked, etched, scratched, drawn, or painted on or otherwise glued, posted, or affixed to or on any real or personal property (including, but not limited to, buildings, structures, and vehicles), regardless of

the nature of the material to the extent that the same was not authorized in advance by the owner thereof.

Q. "Hazardous materials" shall mean any material or substance of any kind that is declared by any Federal, State, or local law, ordinance, or regulation to be composed of hazardous material.

R. "Hearing officer" shall mean the City Manager or any city employee or other person appointed by the City Manager to hear all timely appeals as set forth in this Division.

S. "Incidental expenses" shall include, but shall not be limited to, the actual expenses and costs of the City, such as preparation of notices, specifications, contracts, inspection of work, costs of printing and mailings required hereunder, costs of any filing and/or recordation with the County Recorder's Office or other governmental agency, and the costs of administration and legal services.

T. "Inoperable vehicle" shall mean and include, without limitation, any vehicle that is incapable of being lawfully driven on a street and/or highway. Factors that may be used to determine this condition include, without limitation, vehicles that have a "planned non-operational" status with the California Department of Motor Vehicles, vehicles lacking a current and valid registration, a working engine, transmission, wheels, inflated tires, doors, windshield or any other part or equipment necessary for its legal and safe operation on a highway or any other public right-of-way.

U. "Junk" shall mean and include, but is not limited to, any cast-off, damaged, discarded, junked, obsolete, salvaged, scrapped, unusable, worn-out or wrecked appliance, device, equipment, furniture, fixture, furnishing, object, material, substance, tire, or thing of any kind or composition. Junk may include abandoned personal property, as well as any form of debris, refuse, rubbish, trash or waste. Factors that may be considered in a determination that personal property is junk include, without limitation, its:

1. Condition of damage, deterioration, disrepair or nonuse.
2. Approximate age and degree of obsolescence.

3. Location.

4. Present operability, functional utility and status of registration or licensing, where applicable.

5. Cost of rehabilitation or repair versus its market value.

V. "Junkyard" means real property of any zoning classification on which junk is kept, maintained, placed or stored to such a degree that it constitutes a principal use or condition on said premises. The existence of a junkyard is not a nuisance when it is an expressly permitted use in the applicable zone and it is in full compliance with all provisions of the Hemet Zoning Code, and all other applicable provisions of the Hemet Municipal Code, as well as all future amendments and additions thereto.

W. "Notice of Abatement" shall mean a Notice of Public Nuisance and Intention to Abate with City Personnel", as described in Section 30-36 of this Division.

X. "Order of Abatement" shall mean an order issued by a Hearing Officer following an appeal of a Notice of Abatement.

Y. "Owner" shall mean and include any person having legal title to, or who leases, rents, occupies or has charge, control or possession of, any real property in the City, including all persons shown as owners on the last equalized assessment roll of the Riverside County Assessor's Office. Owners include persons with powers of attorney, executors of estates, trustees, or who are court appointed administrators, conservators, guardians or receivers. An owner of personal property shall be any person who has legal title, charge, control, or possession of such property.

Z. "Person" shall mean and include any individual, partnership of any kind, corporation, limited liability company, association, joint venture or other organization, however formed, as well as trustees, heirs, executors, administrators, or assigns, or any combination of such persons. "Person" also includes any public entity or agency that acts as an owner in the City.

AA. "Personal property" means property that is not real property, and includes, without limitation, any appliance, furniture, article, device, equipment, item, material, product, substance or vehicle.

BB. "Police Chief" shall mean the highest-ranking officer of the Police Department or his/her designee.

CC. "Police Department" shall mean the Hemet Police Department.

DD. "Public nuisance" means anything which is, or is likely to become, injurious or detrimental to health, safety or welfare; or is offensive to the senses; or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property; or unlawfully obstructs the free passage or use, in the customary manner, of any sidewalk, public park, square, street or highway. All conditions hereafter enumerated in this Article, or that otherwise violate or are contrary to any provision of the Hemet Municipal Code, are public nuisances by definition and declaration, and said enumerated conditions shall not, in any manner, be construed to be exclusive or exhaustive. A public nuisance shall also exist when a person fails to comply with any condition of a City approval, entitlement, license or permit or when an activity on, or use of, real property violates, or is contrary to, any provision or requirement of the Hemet Municipal Code.

EE. "Real Property" or "premises" means any real property owned by any person and/or any building, structure, or other improvement thereon, or portions thereof. "Real Property" or "premises" includes any adjacent sidewalk, parkway, street, alley, or other unimproved public easement, whether or not owned by the City of Hemet.

FF. "Responsible person" means any person, whether as an owner as defined in this Division, or otherwise, that allows, causes, creates, maintains, suffers, or permits a public nuisance, or any violation of the Hemet Municipal Code or County or State law, or regulation thereof, to exist or continue, by any act or the omission of any act or duty. A responsible person shall also include employees, principals, joint venturers, officers, agents, and/or other persons acting in concert with, or at the direction of, and/or with the knowledge and/or

consent of the owner and/or occupant of the lot, building or structure on, or in which, a public nuisance or violation exists or existed. The actions or inactions of a responsible person's agent, employee, representative or contractor may be attributed to that responsible person.

GG. "Structure" means that which is built or constructed, an edifice, wall, fence, or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For purposes of this Division, this definition shall supersede any other definition of this term in the Hemet Municipal Code.

HH. "Vacant" shall mean real property or any building or structure thereon that is not legally occupied. Factors that may be used, either alone or in combination, to determine whether real property, or building or structures thereon, is vacant include, but shall not be limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers, and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk, and/or other debris; the absence of window coverings such as curtains, blinds, and/or shutters; the absence of furnishings and/or personal items consistent with residential and/or commercial furnishings consistent with the permitted uses within the zone of the real property; statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

II. "Vehicle" means any device, by which any person or property may be propelled, moved, or drawn upon a highway or other public right of way, and includes all vehicles as defined by the California Vehicle Code, and all future amendments thereto. "Vehicle" does not include devices (i) that are propelled exclusively by human power such as bicycles and wheelchairs, or (ii) those that are used exclusively upon stationary rails or tracks.

JJ. "Violation" shall mean and include any prohibited activity, condition, or use on land or in connection with a building or a structure that is caused, allowed to exist, or maintained (whether due to an affirmative act, inaction, or omission) by a responsible person in disregard of, or nonconformity with, any other provision, regulation, prohibition, or requirement of the Hemet Municipal

Code, or any applicable county, state, or federal laws or regulations. Any such violation shall also constitute an unlawful public nuisance for each and every day or part thereof, during which it is allowed, committed, continued, maintained or permitted by a responsible person

KK. "Weeds" shall include, but shall not be limited to, any of the following:

1. Any plant, brush, growth, or other vegetation that bears seeds of a downy or wingy nature;

2. Any plant, brush, growth, or other vegetation that attains such large growth as to become, when dry, a fire hazard;

3. Any plant, brush, growth, or other vegetation that is noxious or dangerous;

4. Poison oak and poison ivy when the conditions of growth are such as to constitute a threat to the public health; or,

5. Dry grass, rubble, brush, or other flammable plant, growth, or other vegetation that endangers the public safety by creating or tending to create a fire hazard.

30-32 Prohibited Public Nuisance Conditions

The City Council finds and declares that, notwithstanding any other provision of the municipal code, it is a public nuisance and unlawful for any person to allow, cause, create, maintain, or suffer, or permit others to cause, create, or maintain the following:

A. Any real property or premises in the City in such a manner that any one or more of the following conditions are found to exist thereon:

1. Land, the topography, geology or configuration of which whether in natural state or as a result of the grading operations, excavation or fill, causes erosion, subsidence, or surface water drainage problems of such

magnitude as to be injurious or potentially injurious to the public health, safety and welfare, or to adjacent properties.

2. Buildings or other structures, or portions thereof, that are partially constructed or destroyed or allowed to remain in a state of partial construction or destruction for an unreasonable period of time. As used herein, an "unreasonable" period shall mean any portion of time exceeding the period given to a responsible person by the City for the complete abatement of this nuisance condition with all required City approvals, permits and inspections. One or more of the following factors may be used by the City to establish a reasonable period for the complete abatement of this nuisance:

(a) The degree of partial construction or destruction and the cause therefor.

(b) Whether or not this condition constitutes an attractive nuisance or if it otherwise poses or promotes a hazard to the health, safety, or welfare of the occupants or the general public.

(c) The degree of visibility, if any, of this condition from public or adjoining private real property.

(d) The scope and type of work that is needed to abate this nuisance.

(e) The existence of any current and valid approvals, permits, or other entitlements for the partially constructed or destroyed building or structure.

(f) The promptness with which a responsible person has applied for and obtained all required City approvals and permits in order to lawfully commence the nuisance abatement actions.

(g) Whether or not a responsible person has complied with other required technical code requirements, including requesting and passing required inspections in a timely manner, while completing nuisance abatement actions.

(h) Whether or not a responsible person has applied for extensions to a technical code permit or renewed an expired permit, as well as the number of extensions and renewals that a responsible person has previously sought or obtained from the City.

(i) Whether or not a responsible person has made substantial progress, as determined by the City, in performing nuisance abatement actions under a technical code permit that has expired, or is about to expire.

(j) Whether delays in completing nuisance abatement actions under a technical code permit have occurred, and the reason(s) for such delays.

3. Real property, or any building or structure thereon, that is abandoned, uninhabited, or vacant (irrespective of whether said structure is secured against unauthorized entry) for a period of more than six (6) months.

4. Exterior portions of buildings or structures (including, but not limited to, roofs, balconies, decks, fences, stairs, stairways, walls, signs and fixtures) and any detached or freestanding structure (including, but not limited to, fences and walls) that have become defective, cracked, broken, unsightly, or no longer viable; or are maintained in a condition of dilapidation, deterioration or disrepair to such an extent as to result in, or tend to result in, a diminution in property values; or where such condition creates a hazard to persons using said building, structure, or way; or where such condition interferes with the peaceful use, possession and/or enjoyment of adjacent properties; or where such condition otherwise violates, or is contrary to, the Hemet Municipal Code, or other applicable law.

5. Sidewalks, walkways, pedestrian ways, driveways, and parking areas that have become defective, cracked, broken, unsightly, or no longer viable; or are maintained in a condition of dilapidation, deterioration or disrepair to such an extent as to result in, or tend to result in, a diminution in property values; or where such condition creates a hazard to persons using said

building, structure, or way; or where such condition interferes with the peaceful use, possession and/or enjoyment of adjacent properties; or where such condition otherwise violates, or is contrary to, the Hemet Municipal Code, or other applicable law.

6. Failure to provide and maintain adequate weather protection to buildings or structures (including but not limited to, fences, walls, and retaining walls) in such a manner that results in or tends to result in the existence of cracked, peeling, warped, rotted, deteriorated, or severely damaged paint, stucco or other exterior covering or that otherwise results in or tends to result in the decay, deterioration, or dilapidation of the building or structure.

7. Broken, defective, damaged, dilapidated, or missing windows, doors, or vents in a building or structure, and/or broken, defective, damaged, dilapidated, or missing screens for windows, doors, or crawl spaces in a building or structure.

8. Windows or doors that remain boarded up or sealed after fifteen (15) calendar days of written City notice to a responsible person requesting the removal of these coverings and the installation of fully functional or operable windows or doors. City actions to board up or seal windows or doors in order to deter unauthorized entry into structures shall not relieve responsible persons from installing fully functional or operational windows or doors.

9. Obstructions of any kind, cause or form that interfere with required light or ventilation for a building or structure, or that interfere with, hinder, delay, or impede ingress therein and/or egress therefrom.

10. Abandoned, broken, or neglected personal property that is visible from public or private property.

11. Any form of an attractive nuisance.

12. Interior portions of buildings or structures (including, but not limited to attics, ceilings, walls floors, basements, mezzanines, and common areas) that have become defective, unsightly, or are maintained in a condition of dilapidation, deterioration or disrepair to such an extent as to result in, or tend to result in, a diminution in property values; or where such condition interferes with

the peaceful use, possession and/or enjoyment of properties in the vicinity; or where such condition otherwise violates, or is contrary to, the Hemet Municipal Code or other applicable law.

13. Items of junk, trash, debris, waste, or other personal property that are kept, placed, or stored inside of a structure or on exterior portions of real property that constitute a fire or safety hazard or a violation of any provision of the Hemet Municipal Code; or items of junk, trash, debris, waste, or other personal property that are visible from public or private real property, or that are otherwise out of conformity with neighboring community standards to such an extent as to result in, or tend to result in, a diminution in property values. Notwithstanding the foregoing, the existence of a junkyard is not a nuisance when such use and the premises on which such use occurs are in full compliance with all provisions of the Hemet Zoning Code (including all approvals and permits required thereby), and all other applicable provisions of the Hemet Municipal Code and any future amendments and additions thereto, as well as applicable County, State, and/or Federal laws and regulations.

14. The keeping or disposing of, or the scattering or accumulating of flammable, combustible or other materials including, but not limited to, composting, firewood, lumber, junk, trash, debris, packing boxes, pallets, plant cuttings, tree trimmings or wood chips, discarded items, or other personal property on exterior portions of real property, or within any building or structure thereon, when such items or accumulations:

(a) Render premises unsanitary or substandard as defined by the Hemet Housing Code, the State Housing Law, the Hemet Building Code, or other applicable local, State, or Federal law, rule, or regulation;

(b) Violate the Hemet Health Code, Riverside County Health Code, or other any other Health Code adopted by and/or applicable in the City of Hemet;

(c) Cause, create, or tend to contribute to, a fire or safety hazard;

(d) Harbor, promote, or tend to contribute to, the presence of rats, vermin and/or insects;

(e) Cause, create, or tend to contribute to, an offensive odor; or,

(f) Cause the premises to be out of conformity with neighboring community standards to such an extent as to result in, or tend to result in, a diminution of property values. Provided, however, that this use of land or condition shall not constitute a nuisance when expressly permitted under the applicable zone classification and the premises are in full compliance with all provisions of the Hemet Zoning Code, and all other applicable provisions of the Hemet Municipal Code and any future amendments and additions thereto, as well as applicable County, State, and/or Federal laws and regulations.

15. Unsanitary, polluted or unhealthful pools, ponds, standing water or excavations containing water that constitutes an attractive nuisance or that is otherwise likely to attract or harbor mosquitoes, insects or other vectors. The likelihood of insect harborage is evidenced by any of the following conditions: water which is unclear, murky, clouded or green; water containing bacterial growth, algae, insect larvae, insect remains, or animal remains; or, bodies of water which are abandoned, neglected, unfiltered or otherwise improperly maintained.

16. The hanging, drying, or airing of clothing or household fabrics on fences, trees, or shrubberies, or the existence of clotheslines, in front yard areas of any real property.

17. Canopies, tents, tarps, or other similar membrane structures located in the front yard of any real property or in any yard area that is visible from a public vantage in excess of 72 hours, unless otherwise authorized pursuant to a permit or other entitlement from the City;

18. Overgrown vegetation including, but not limited to, any one of the following:

(a) Vegetation likely to harbor, or promote the presence of, rats, vermin and/or insects.

(b) Vegetation causing detriment to neighboring properties, or that is out of conformity with neighboring community standards to such an extent as to result in, or contribute to, a diminution of property values, including, but not limited to:

(1) Lawns with grass in excess of six inches (6") in height.

(2) Hedges, trees, lawns, plants, or other vegetation that are not maintained in a neat, orderly, and healthy manner as a result of lack of adequate mowing, grooming, trimming, pruning, fertilizing, watering, and/or replacement.

(c) Vegetation that creates, or tends to create, the existence of a fire hazard.

(d) Vegetation that overhangs or grows onto or into any public property, including, but not limited to, any public alley, highway, land, sidewalk, street or other right-of-way, so as to cause an obstruction to any person or vehicle using such public property.

19. Dead, decayed, diseased or hazardous trees, weeds, ground cover, and other vegetation, or the absence of healthful vegetation, that causes, contributes to, or tends to cause or contribute to, any one of the following conditions or consequences:

(a) An attractive nuisance;

(b) A fire hazard;

(c) The creation or promotion of dust or soil erosion;

(d) A diminution in property values; or,

(e) A detriment to public health, safety or welfare.

20. Lack of landscaping or other approved ground cover in any yard area as otherwise required by the Hemet Zoning Code or other provisions of the City's municipal code, as well as design guidelines or Specific Plans adopted by the City Council, or so as to otherwise cause or promote the existence of excessive dust or to allow the accumulation of debris. Visible front and side

yards shall be mowed, landscaped and otherwise maintained to the satisfaction of the Community Development Director or his or her designee. Landscape includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock, bark, artificial turf, and sod. Weeds, dirt, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet or any similar materials are not acceptable landscaping or ground cover. Maintenance of landscaping includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of required landscape and removal of all trimmings.

21. Waste containers, yard waste containers, and recycling containers that are kept, placed or stored in driveways or parking areas, or in front or side yards, such that said containers are visible from public streets, except when located in places of collection at times permitted and in full compliance with this Code.

22. The use, parking, or storing of any recreational vehicle as temporary or permanent living space, unless otherwise authorized in accordance with Section 90-1422(e) or other applicable provisions of this Code.

23. Vehicles, trailers, campers, boats, recreational vehicles, and/or other mobile equipment placed, parked or stored in front yards of private real property (except when placed, parked, or stored on an approved driveway) or as otherwise in violation of any provision of the Hemet Municipal Code.

24. Vehicles, trailers, campers, boats, recreational vehicles, and/or other mobile equipment placed, parked or stored on any portion of an undeveloped or vacant property, except as otherwise authorized by a current and valid City permit.

25. Vehicles, trailers, campers, boats, recreational vehicles, and/or other mobile equipment placed, parked, or stored on any unpaved surface, or on any paved surface that does not have continuously paved access to an adjacent street, alley, highway, or other public right-of-way for vehicular travel.

26. Parking spaces required by the Hemet Municipal Code, including the Hemet Zoning Code, that are not maintained in such a manner that said spaces are continuously free and accessible for vehicle parking without the movement of real or personal property.

27. Abandoned, dismantled, inoperable or wrecked boats, campers, motorcycles, trailers, vehicles, or parts thereof, unless kept, placed, parked, or stored inside of a completely enclosed, lawfully constructed building or structure.

28. Vehicles, construction equipment, or other machinery exceeding the permissible gross vehicle weight for the streets or public property upon which they are located. A nuisance also exists under this provision when a vehicle, construction equipment, or other machinery is stopped, kept, placed, parked, or stored on private real property and when such vehicle, equipment, or machinery exceeds the permissible gross vehicle weight for the streets or public property that were utilized in its placement on said private real property unless pursuant to a valid permit issued by the City.

29. Any equipment, machinery, storage bin, or vehicle of any type or description that is designed, used, or maintained for construction-type activities that is kept, parked, placed, or stored on public or private real property except when such item is being used during excavation, construction, or demolition operations at the site where said equipment, machinery, or vehicle is located pursuant to an active permit issued by the City and is otherwise in compliance with all conditions of said permit and all applicable laws, rules, and regulations.

30. Construction activity and/or the construction sites that are not conducted or maintained in accordance with accepted and approved best management practices, as determined by the Directors of Building & Safety, Engineering, and/or Public Works Divisions.

31. Maintenance of signs, or sign structures, on real property relating to uses no longer lawfully conducted or products no longer lawfully sold thereon, or signs and their structures that are in disrepair or which are otherwise

in violation of, or contrary to, the Hemet Municipal Code, including the Hemet Zoning Code.

32. Specialty structures that have been constructed for a specific single use only, and which are unfeasible to convert to other uses, and which are abandoned, partially destroyed or are permitted to remain in a state of partial destruction or disrepair. Such specialty structures include, but are not limited to, the following: tanks for gas or liquid(s), lateral support structures and bulk-heads, utility high-voltage towers and poles, utility high-rise support structures, electronic transmitting antennas and towers, structures which support or house mechanical and utility equipment and are located above the roof lines of existing buildings, high rise freestanding chimneys and smoke stacks, and recreational structures such as tennis courts and cabanas.

33. Any personal property or structure that obstructs or encroaches on any public property, including, but not limited to, any public alley, highway, land, sidewalk, street or other right-of-way, unless a valid encroachment permit or other City approval has been issued authorizing said encroachment or obstruction.

34. The presence of graffiti or other defacement of real or personal property on a building, structure or vehicle, or portion thereof, or the presence of graffiti on a building, structure, or vehicle that has been painted over with a color that does not match the exterior of the remaining portion of the building or structure, in such instances where the paint, graffiti, or defacement is visible from a public right-of-way or from private real property.

35. Storage of hazardous or toxic materials or substances, as so classified by any local, State or Federal laws or regulations, on real property in such a manner as to be injurious, or potentially injurious or hazardous, to the public health, safety or welfare, or to adjacent properties, or that otherwise violates local, State or Federal laws or regulations.

36. Accumulations of grease, oil, or other hazardous material on paved or unpaved surfaces, driveways, buildings, walls, or fences that are not stored in accordance with applicable laws.

37. The disposing of, depositing of, or discharge of any substance or material other than stormwater which enters, or could possibly enter, the City's storm sewer system in violation of the Hemet Municipal Code.

38. Maintenance of any tarpaulin (plastic, vinyl, canvas, or other similar material) or similar covering on or over any graded surface or hillside, except in the following circumstances:

(a) A state of emergency has been declared by local, County, State, or Federal officials directly impacting the area to be covered; and/or,

(b) Covering with a tarp performed pursuant to an active building or grading permit.

39. Maintenance of any tarpaulin (plastic, vinyl, canvas, or other similar material) or similar covering on or over any roof of any structure, except during periods of active rainfall, or when specifically permitted under an active roofing or building permit.

40. Maintenance of any tarpaulin (plastic, vinyl, canvas, or other similar non-durable material) or similar covering attached to, affixed to, or located on a fence for purposes of screening or for providing shade, except as otherwise approved pursuant to a current and valid City approval or permit.

41. The keeping, maintaining, or suffering of any animal, reptile, or insect in a manner that poses a threat, disturbance, or menace to persons or property, or in such a manner or quantity that otherwise violates any provision of the Hemet Municipal Code.

42. Any noise that is made, generated, produced, or continued (whether from a human, animal, or device) in such a manner that it unreasonably disturbs the peace and quiet of any neighborhood of which causes any discomfort or annoyance to any reasonable person of normal sensitivities, or that otherwise violates any provision of the Hemet Municipal Code, including the noise limits set forth in the Hemet Zoning Code, or that violates the General Plan (Public Safety Element). Factors which shall be considered in determining whether the noise is a nuisance shall include, but not be limited to the following:

(a) The volume of the noise;

(b) The intensity of the noise;

(c) Whether the nature of the noise is usual or unusual;

(d) Whether the origin of the noise is natural or unnatural;

(e) The volume and intensity of the background noise, if any;

(f) The proximity of the noise to residential sleeping facilities;

(g) The nature of the zoning of the area from which the noise emanates;

(h) The density of inhabitation of the area from which the noise emanates;

(i) The time of day or night the noise occurs;

(j) The duration of the noise;

(k) Whether the noise is recurrent, intermittent, or constant;

(l) Whether the noise is produced by commercial or noncommercial activity; and,

(m) Whether the noise is a consequence or expected result of an otherwise lawful use.

43. Construction activities that occur outside of the approved hours of construction as set forth on a permit or other City entitlement as issued the Building Official, Planning Commission, or City Council, or as otherwise prohibited by the Hemet Building Code.

44. Maintenance of premises so out of harmony or conformity with the maintenance standards of properties in the vicinity as to cause, or that tends to cause, substantial diminution of the enjoyment, use, or property values of such properties in the vicinity.

45. Any condition recognized in local or State law or in equity as constituting a public nuisance, or any condition existing on real property that

constitutes, or tends to constitute, blight, or that is a health or safety hazard to the community or neighboring properties.

B. Any "dangerous building", "unsafe building", "unsafe structure", "substandard building", or "substandard property" as defined by the Uniform Code for the Abatement of Dangerous Buildings, Uniform Housing Code, California Building Code, or California Residential Code, as adopted and amended by the Hemet Municipal Code.

C. Any building or structure, or portion thereof, or the premises on which the same is located, in which there exists any of the conditions listed in Section 17920.3 of the California Health & Safety Code, and any future amendments thereto.

D. Any building or structure used by any person to engage in acts which are prohibited pursuant to the laws of the United States or the State of California, the provisions of the Hemet Municipal Code, or any other ordinance of this City, including, but not limited to the following acts:

1. Unlawful possession, use, and/or sale of controlled substances; and/or,

2. Prostitution; and/or

3. Unlawful gambling.

E. Any chronic nuisance as prohibited by Section 46-65 of this Code.

F. Any condition, use, or activity that constitutes a public nuisance as defined by Sections 3479 or 3480 of the California Civil Code, and any future amendments thereto.

G. Any building, structure, or use of real property that violates or fails to comply with (i) any applicable approval, permit, license, or entitlement or condition relating thereto, (ii) any ordinance of the City, including, but not limited to any provision of this Code, or (iii) any applicable County, State, or Federal law or regulation.

30-33 Penalty

A. Notwithstanding any other provision of the Hemet Municipal Code to the contrary, any person who causes, permits, suffers, or maintains a public nuisance, or any person who violates any provision of this Division, or who fails to comply with any obligation or requirement of this Division, is guilty of a misdemeanor offense punishable in accordance with Section 1-8 of this Code. A criminal prosecution and/or civil litigation may be initiated without the commencement of the "Nuisance Abatement" procedures outlined in Part 2 of this Division.

B. Any person who causes, permits, suffers, or maintains a public nuisance, or any person who violates any provision of this Division, or who fails to comply with any obligation or requirement of this Division, shall alternatively be subject to an administrative penalty/fine imposed in accordance with the provisions of Chapter 30, Article II, Division 4 of this Code.

C. Each person shall be guilty of a separate offense for each and every day, or part thereof, during which a violation of this Division, or of any law or regulation referenced herein, is allowed, committed, continued, maintained or permitted by such person, and shall be punishable accordingly.

Part 2 – Administrative Procedures For Abatement of Nuisances

30-34 Abatement of Public Nuisances

All conditions or uses that constitute a public nuisance as defined in Part 1 of this Division, or that are contrary to, or in violation of, any other provision or requirement of the Hemet Municipal Code or any license, permit, or entitlement issued pursuant thereto, or of any applicable County or State law, or regulation thereof, which shall also constitute a public nuisance, shall be abated by repair, rehabilitation, demolition, removal or termination. The procedures for abatement in this part shall not be exclusive and shall not, in any manner, limit or restrict the City from pursuing any other remedies available at law, whether civil, equitable or

criminal, or from enforcing City codes and adopted ordinances, or from abating or causing abatement of public nuisances, in any other manner provided by law.

30-35 Continuing Obligation of Responsible Persons to Abatement a Public Nuisance.

A. No person shall allow, cause, create, permit, suffer or maintain a public nuisance to exist on their premises. If public nuisances do arise or occur, responsible persons shall promptly abate them by repair, rehabilitation, demolition, repair, removal or termination with all required City approvals, permits and inspections, when applicable.

B. The City may exercise its administrative, civil/injunctive and criminal remedies, or any one or combination of these remedies, to compel responsible persons to abate a public nuisance when, in its judgment, such persons have not completed nuisance abatement actions in a timely or proper manner, or when responsible persons have failed to prevent an occurrence or recurrence of a public nuisance.

30-36 Notice of Public Nuisance and Intention to Abate with City Personnel

A. Whenever a code enforcement officer or other public official determines that City Personnel may need to abate a public nuisance, he or she shall serve a written "Notice of Public Nuisance and Intention to Abate with City Personnel" (hereafter in this section and in subsequent sections of this Article, the "Notice of Abatement") on the responsible person(s) that contains the following provisions:

1. The address of the real property on which the nuisance condition(s) exist(s).

2. A description of the nuisance condition(s).

3. A reference to the law describing or prohibiting the nuisance condition(s).

4. A brief description of the required corrective action(s); and,

5. A compliance period in which to complete the nuisance abatement actions (with all required City approvals, permits and inspections, when applicable).

6. The period and manner in which a responsible person may contest the Notice of Abatement as set forth in Section 30-38 of this Division. No such right shall exist when the City is not seeking to establish the right to abate a public nuisance with City forces or contract agents.

7. A statement that the City may record a Declaration of Substandard Property with the Riverside County Recorder's Office against the premises if the public nuisance is not fully abated or corrected (with all required approvals, permits and inspections), as determined by the City, with the compliance period specified in the Notice of Abatement, provided that a timely appeal therefrom has not been made.

B. The procedure in Subsection A shall not apply to public nuisances constituting an imminent hazard. In such instances, the provisions in Section 30-42 ("Emergency Action to Abate an Imminent Hazard") shall be followed.

C. The City's election to issue a Notice of Abatement pursuant to this section shall not excuse responsible persons from their continuing obligation to abate a public nuisance in accordance with all applicable laws, regulations and legal requirements. Furthermore, the issuance of a Notice of Abatement shall <u>not</u> obligate the City to abate a public nuisance.

30-36.1 Additional Requirements For Demolition of Buildings or Structures

A. The City shall provide responsible persons with a reasonable period of time, as determined by the City, to elect between options of repair, rehabilitation, or demolition, as well as a reasonable period of time, as determined by the City, to complete any of these options before City Personnel abate a public nuisance by demolishing a building or structure pursuant to Part 2 of this Division.

B. The City shall serve a Notice of Abatement by first class mail on all secured lienholders of record with the Riverside County Recorder's Office in the event abatement actions include demolition of a building or structure.

C. Notwithstanding the provisions of Section 30-38.1 of this Division, entry onto any real property to abate a public nuisance by demolition of a building or structure, excepting in cases involving an imminent hazard, shall be pursuant to a warrant or other order issued by a court of competent jurisdiction.

D. The provisions of this Section shall not apply if demolition is required to address an imminent hazard. In such situation, the provisions of Section 30-42 ("Emergency Action to Abate an Imminent Hazard") shall apply.

30-36.2 Notice and Order to Vacate Buildings, Structures, or Premises

A. If the Building Official, Fire Chief, and/or Health Official (or designees thereof) determine that a public nuisance exists at real property (or any buildings or structures thereon) to such an extent that said property (or any building or structure thereon) is immediately dangerous to the life, limb, property, or safety of the occupants of the property or the general public (including emergency service personnel), the building, structure, or premises shall be ordered to be vacated.

B. If any building, structure, or premises is ordered vacated pursuant to Section 30-36.2, the Notice of Abatement issued pursuant to Section 30-36, in addition to the information required pursuant to Section 30-36, shall include:

1. A determination that the Building Official, Fire Chief, and/or Health Official (or designees thereof) has determined that the property (and/or any building or structure thereon) constitutes an immediate danger to the life, limb, property, or safety of the occupants of the property or the general public;

2. A reference to the specific premises, building(s) and/or structure(s), or portions thereof, which is/are being ordered vacated;

3. The date and/or time when the Order to Vacate (and/or To Not Enter) becomes effective;

4. An appeal of a Notice of Abatement does not stay an Order to Vacate; and,

5. Language that substantially states that "No person shall remain in or enter any building or structure that has been ordered vacated until authorized to do so by the Building Official, Fire Chief, and/or Health Official. No person shall remove, alter, or deface this Notice after it has been posted at the property referenced herein until all required repairs, demolition, or removal have been completed in accordance with this Notice and until such time as the removal of this Notice has been authorized by the Building Official, Fire Chief, and/or Health Official. Any person violating this Order to Vacate shall be guilty of a misdemeanor."

30-36.3 Sample Notice of Abatement

A. The Notice of Abatement shall be written in a form that is substantially consistent with the following:

Notice of Public Nuisance(s) and Intention to Abate with City Personnel
("Notice of Abatement")
[Date]

_____ ***[Responsible Person(s)]***

_____ ***[Mailing Address]***

_____ ***[City, State and Zip Code]***

Re: Real Property at _____, Hemet, CA

Riverside County A.P.N.: _____

Legal description *[Optional]*: _____

Notice is hereby given that the following public nuisance conditions or activities exist on the premises described above:

(1) [Describe condition or activities]

_____

in violation of Hemet Municipal Code ***[as well as County and State laws, if applicable]*** Section(s) _____.

(a) *Required Corrective Action(s)*:

_____

(with all required permits, approvals and inspections).

(b) *Required Completion Date:*

_____

[Repeat (1 a-b) for each additional public nuisance to be included in this notice]

The foregoing public nuisance conditions are subject to abatement by repair, rehabilitation, demolition, removal or termination.

Please Take Further Notice that you may appeal this Notice of Abatement by filing an appeal on a City approved form with the City Clerk's office (located at 445 East Florida Avenue, Hemet) within ten (10) calendar days of service of this notice. No fee shall be due for the filing of an appeal. Failure of

the City Clerk to receive a timely appeal constitutes a waiver of your right to any further administrative appeal and renders the Notice of Abatement final and binding. A written request for an appeal shall contain the following information, as well as any other information deemed necessary for the processing of the appeal by the City Manager or designee:

1. Name, address, and telephone number of each responsible party who is appealing the Notice of Abatement (hereinafter, "appellant"), as well as relationship of appellant to the public nuisance described in the Notice of Abatement.
2. Address and description of real property upon which the City intends to enter and abate a public nuisance.
3. Date of Notice of Abatement being appealed.
4. Specific action or decision being appealed.
5. Grounds for appeal in sufficient detail to enable the Hearing Officer to understand the nature of the controversy.
6. The signature of at least one appellant.

Following appeal, in the case of a final decision by the City, judicial review of this decision is subject to the provisions and time limits set forth in California Code of Civil Procedure sections 1094.6 et seq.

Please Take Further Notice that, if the public nuisance violations are not abated within the time specified in this Notice and a timely appeal is not made, such nuisance may be abated by City employees, representatives or contract agents (hereafter "City Personnel"), in the manner stated in this Notice of Abatement. On such occasions, all costs of the abatement, including, but not limited to, those stated in Division 1 of Chapter 30, Article 2 of the Hemet Municipal Code, shall be assessed against the responsible person(s) and/or the subject property as a lien or as a special assessment or as otherwise allowed by law.

Please Take Further Notice that the City may record a Declaration of Substandard Property with the Riverside County Recorder's Office against the premises if the public nuisance is not fully abated or corrected (with all required approvals, permits and inspections), as determined by the City, in the manner and time set forth in this Notice of Abatement and provided that a timely appeal therefrom has not been made.

Please Take Further Notice that, in the event of abatement by City Personnel, all buildings, structures, and/or personal property constituting a public nuisance may be removed from the subject premises or from public property and destroyed or disposed of, without regard to its actual or salvage value.

Dated: This _____ day of _____, 20__.

_____

Public Official ***[Name and Title]***

[End of Form]

.....

A Notice of Abatement shall be deemed in substantial compliance with this subsection regardless of form if all substantive information is contained in such Notice of Abatement.

30-37.4 Service of Notice

A. Except as otherwise expressly required by a provision of this Division, any notice required by this Division may be served by personal delivery to any responsible person or by first class mail. The date of service shall be the date it is personally delivered or placed in a U.S. Postal Service receptacle. Failure of any responsible person to receive a properly addressed Notice of Abatement by mail shall not invalidate any action or proceeding pursuant to this Division.

1. In addition to being served upon a responsible party in accordance with Section 30-37.4(A), any Notice of Abatement that includes an Order to Vacate shall also be posted at or upon the main exit of the building or structure being ordered vacated or at another prominent location if the entire property is being ordered vacated.

B. Except as otherwise expressly required by a provision of this Division, any notice issued to an owner of real property shall be sent to the mailing address on the last equalized assessment roll of the Riverside County Assessor's Office. Failure of any owner to receive a properly addressed notice by mail shall not invalidate any action or proceeding pursuant to this Division.

30-38 Right of Appeal From a Notice of Abatement

A. A responsible person may contest a Notice of Abatement by filing a written request for an appeal on a City-approved form with the City Clerk's office (located at 445 East Florida Avenue, Hemet) within ten (10) calendar days of service of the Notice of Abatement. No fee shall be due for the filing of an appeal.

1. The filing of a request for an appeal shall not stay an Order to Vacate any building, structure, or premises issued by the Building Official, Fire Chief, and/or Health Official in accordance with the provisions of this Division.

B. A written request for an appeal shall contain the following information:

1. Name, address, and telephone number of each responsible party who is appealing the Notice of Abatement (hereinafter, "appellant").

2. Address and description of real property upon which the City intends to enter and abate a public nuisance.

3. Date of Notice of Abatement being appealed.

4. Specific action or decision being appealed.

5. Grounds for appeal in sufficient detail to enable the Hearing Officer to understand the nature of the controversy.

6. The signature of at least one appellant.

C. Failure of the City Clerk to receive a timely appeal constitutes a waiver of the right to contest a Notice of Abatement and a failure to exhaust all administrative remedies. In this event, the Notice of Abatement is final and binding.

D. The provisions of this section only apply to instances where the City has elected to establish the right, but not the obligation, to abate public nuisances with City Personnel. In no event does this Division limit the right of City officials to issue alternative written or oral notices of code violations to responsible persons or to cause the abatement of public nuisances in a different manner, including without limitation, by court orders arising from the City's exercise of its criminal or civil remedies. In such instances, a responsible person shall receive a right to hearing and other due process rights through the court process.

30-38.1 Consequence of an Untimely Appeal

A. If a timely appeal is not received by the City Clerk, the right to appeal is waived and the Notice of Abatement is final and binding. In such instances, the City may, without any administrative hearing, cause the abatement with City personnel of any or all of the nuisance conditions or activities stated in the Notice of Abatement. Entry onto private real property that is both improved and occupied shall, excepting instances of an imminent hazard, be pursuant to a warrant or other order from a court of competent jurisdiction. The City shall follow the administrative procedures stated in this Division for recovery of all abatement costs, fees and expenses (incidental or otherwise).

1. Nothing in this Division shall prevent the City from seeking an order of restitution for abatement costs from a court of competent jurisdiction in connection with a civil or criminal judicial proceeding.

B. Nothing contained in this Division shall obligate the City to undertake abatement actions pursuant to a Notice of Abatement, whether or not there is a timely appeal.

30-39 Abatement by Responsible Person Prior to Hearing

A. Any responsible person shall have the right to abate a nuisance in accordance with the Notice of Abatement at his or her own expense, provided all corrective actions are completed with all required City permits, approvals and inspections, prior to the date the matter is set for a hearing.

B. A hearing shall be cancelled if all nuisance conditions or activities are, as determined by the City, fully and lawfully abated prior thereto.

30-40 Review by Hearing Officer

A. Any responsible person who contests a Notice of Abatement shall, subject to filing a timely appeal, obtain review thereof before a hearing officer. The administrative appeal shall be scheduled no later than sixty (60) calendar days, and no sooner than ten (10) calendar days, after receipt of a timely filed request for appeal. The appellants listed on the written request for an appeal shall be notified in writing of the date, time, and location of the hearing at least ten (10) calendar days prior to the date of the hearing.

B. Any request by an appellant to continue a hearing must be submitted to the City Clerk in writing no later than two (2) business days before the date scheduled for the hearing. The hearing officer may continue a hearing for good cause or on his/her own motion; however, in no event may the hearing be continued for more than thirty (30) calendar days without stipulation by all parties.

C. At the place and time set forth in the notification of appeal hearing, the hearing officer shall hear and consider the testimony of the appealing person(s), the issuing officer, and/or their witnesses, as well as any documentary evidence presented by these persons concerning the alleged public nuisance(s).

D. Appeal hearings are informal, and formal rules of evidence and discovery do not apply. The City bears the burden of proof to establish a nuisance exists by a preponderance of evidence. The issuance of a Notice of Abatement shall constitute prima facie evidence of the violation and the Code Enforcement Officer who issued the Notice of Abatement is not required to participate in the appeal hearing. The appellant, and the enforcement officer issuing the Notice, if present, as well as all other responsible persons, shall have the opportunity to present evidence and to present and cross-examine witnesses. The appellant and the enforcement officer issuing the Notice of Abatement, or other responsible persons, may represent himself/herself/themselves or be represented by anyone of his/her/their choice. The appellant, or other interested persons, may bring an interpreter to the hearing at his/her/their sole expense. The City may, at its discretion, record the hearing by stenographer or court reporter, audio recording, or video recording. The hearing officer may question any person who presents evidence or who testifies at any hearing.

E. If the appellant fails, or other responsible persons fail, to appear at the appeal hearing and to submit any admissible evidence demonstrating the non-existence of the alleged nuisance(s), the hearing officer shall cancel the hearing and send a notice thereof to the responsible person(s) by first class mail to the address(es) stated on the appeal form. A cancellation of a hearing due to non-appearance of the appellant shall constitute the appellant's waiver of the right to appeal and a failure to exhaust all administrative remedies. In such instances, the Notice of Abatement is final and binding.

30-40.1 Decision of Hearing Officer; Order of Abatement

A. Not later than fifteen (15) calendar days following conclusion of the hearing, the hearing officer shall determine if any nuisance condition exists at the subject property. If the hearing officer determines that each nuisance condition described in the Notice of Abatement is non-existent, the Notice of Abatement shall be deemed cancelled. If the hearing officer determines that one or more of

the nuisance conditions described in the Notice of Abatement exists, he/she shall issue a written Order of Abatement which shall contain the following:

1. A finding and description of each nuisance condition existing at the subject property.

2. The name of each person responsible for a nuisance condition or conditions at the subject property, as well as the name of any person who is not responsible therefore.

3. The required corrective action and a compliance period for each unabated nuisance condition.

4. Any other finding, determination or requirement that is relevant or related to the subject matter of the appeal.

5. The following statement: "The decision of the Hearing Officer is final, conclusive, and binding. Judicial review of this decision is subject to the provisions and time limits set forth in California Code of Civil Procedure Sections 1094.6 et seq."

B. Notwithstanding any provision of the Code to the contrary, the decision of the hearing officer is final, conclusive, and binding.

C. A copy of the decision shall be served by first class mail on each responsible person to whom the Notice of Abatement was issued. If the owner is not an appellant, a copy of the Order of Abatement shall also be served on the owner by first class mail to the address shown on the last equalized assessment roll. Failure of a person to receive a properly addressed decision shall not invalidate any action or proceeding by the City pursuant to this Division.

30-41 Abatement of Nuisance by Responsible Persons Prior to City Abatement Actions

A. Any responsible person shall have the right to fully abate a nuisance in accordance with the Hearing Officer's decision prior to the date of entry of City Personnel upon the subject real property, provided that all corrective

actions are completed with all required City permits, approvals and inspections, prior to said entry date. In such instances, all administrative proceedings shall be cancelled, with the exception of the City's right to seek recovery of its incurred incidental expenses, Code Enforcement Fees, and Attorney's Fees as provided by and pursuant to the provisions of this Division.

B. Once the City enters a subject real property to abate a public nuisance, it shall have the right to complete this action.

C. It is unlawful and a misdemeanor for any person to obstruct, impede, or interfere with City Personnel in the performance of any act that is carried out to abate a public nuisance.

D. All buildings, structures, and/or personal property that are removed by City Personnel from premises in the abatement of a nuisance shall be lawfully disposed of or destroyed without regard to its actual or salvage value, if any.

30-42 Emergency Action to Abate an Imminent Hazard

A. Notwithstanding any provision of the Hemet Municipal Code to the contrary, the Police Chief, the Fire Chief, Health Official, and/or the Building Official, or any of their designees, may cause a public nuisance to be summarily abated if it is determined that the nuisance creates an imminent hazard to a person or persons, or to other real or personal property.

B. Prior to abating a nuisance that creates an imminent hazard, the City Manager shall attempt to notify a responsible person by telephone or in writing of the imminent hazard and request its abatement by said person; provided however, that the City Manager may dispense with any attempt at prior notification of a responsible person if, in the sole discretion of the City Manager, the nature or severity of the hazard does not reasonably allow for such prior notification. If notice has been so given, but, in the sole discretion of the City Manager, the responsible person(s) fail(s) to take immediate and meaningful steps to abate the imminent hazard, the City may abate the nuisance with City Personnel without further notice, and charge the costs and fees thereof to the responsible person(s).

C. Within ten (10) business days following the conclusion of emergency action by City Personnel to abate an imminent hazard, the City shall serve any responsible person with a Notice of Emergency Abatement by City Personnel of an Imminent Hazard by first class mail. Notice to a property owner shall be mailed to the mailing address set forth in the last equalized assessment roll of the Riverside County Assessor's Office. Failure of any responsible person to receive a properly addressed Notice of Emergency Abatement by City Personnel of an Imminent Hazard by mail shall not invalidate any action or proceeding pursuant to this Division.

D. A Notice of Emergency Abatement by City Personnel of an Imminent Hazard shall contain the following provisions:

1. The name of all known responsible persons who are being served with the Notice of Emergency Abatement by City Personnel of an Imminent Hazard and the address of the real property on which the imminent hazard was present.

2. A brief description of the condition(s) and reasons why it constituted an imminent hazard.

3. A brief description of the law prohibiting or pertaining to the imminent hazard.

4. A brief description of the actions City Personnel took to abate the imminent hazard.

E. Omission of any of the foregoing provisions in a Notice of Emergency Abatement by City Personnel of an Imminent Hazard, whether in whole or in part, or the failure of a responsible person to receive said Notice, or the failure of the City to issue said Notice in a timely fashion, shall not render it defective or render any proceeding or action pursuant to this Article invalid.

F. Emergency abatement of an imminent hazard by City Personnel shall not preclude the City from recording a Declaration of Substandard Property in accordance with the provisions of Section 30-47 of this Division, if conditions

thereafter remain at the premises that constitute a violation of law or a public nuisance.

G. The City shall be entitled to recover its fees and costs (incidental or otherwise) for the abatement of an imminent hazard. In such instances, the City shall follow the procedures set forth in this Division.

30-43 Combination of Notices

The notices that are authorized by this Division may be combined in the discretion of the City.

30-44 Establishment of Costs of Abatement

A. The City shall keep an accounting of the Abatement Costs.

B. The City shall serve a Statement of Abatement Costs on the responsible persons within ninety (90) calendar days of the City's completion of nuisance abatement actions. Service of this statement may be made in the manner provided for in Section 30-37.4 of this Division.

C. Unless a timely contest of the Statement of Abatement Costs is filed, a responsible person shall tender the Abatement Costs in U.S. currency to the City within thirty (30) calendar days of the date of service of the Statement of Abatement Costs.

D. A responsible person has the right to contest a Statement of Abatement Costs by filing a written request for contest with the City Clerk's Office (located at 445 East Florida Avenue, Hemet) within ten (10) calendar days of service of the Statement of Abatement Costs.

1. A written request for contest shall contain the following information:

(a) Name, address, telephone number, and signature of each responsible person who is contesting the Statement of Abatement Costs.

(b) Address and description of the real property upon which the City abated a public nuisance.

(c) Date of the Statement of Abatement Costs being appealed.

(d) Description of the specific Abatement Cost(s) being contested, and a statement of the grounds for contest in sufficient detail to enable the City Council to understand the nature of the controversy.

2. No fee shall be due for the filing of a request for contest of the Statement of Abatement Costs.

E. Failure of the City Clerk to receive a timely appeal request for contest constitutes a waiver of the right to contest a Statement of Abatement Costs. In this event, the Statement of Abatement Costs is final and binding, and the City may proceed to collect its Abatement Costs as contained in a final Statement of Abatement Costs in any manner allowed by law.

F. If a timely request for contest is received by the City Clerk, a hearing shall be set before the City Manager or designee thereof no later than sixty (60) calendar days, and no sooner than ten (10) calendar days of receipt of the request for contest. A notice of the date, time and location of the hearing shall be served on all responsible persons who contested the Statement of Abatement Costs by first class mail to the address(es) stated on the request form at least ten (10) calendar days prior to the hearing. Failure of a person requesting a contest to receive a properly addressed notice shall not invalidate any action or proceeding by the City pursuant to this Division.

G. Any request by an appellant to continue a hearing must be submitted to the City Clerk in writing no later than five (5) business days before the date scheduled for the hearing. The City Manager may continue a hearing for good cause or on his/her own motion; however, in no event may the hearing be continued for more sixty (60) calendar days without stipulation by all parties.

H. At the time and place fixed for receiving and considering the request to contest the Statement of Abatement Costs, the City Manager shall hear and pass upon the evidence submitted by City Personnel, together with any objections or protests raised by responsible persons liable for said costs.

Testimony and evidence shall be limited to issues related to the abatement costs, and no person shall be permitted to present evidence or testimony challenging the existence of a public nuisance or the manner of abatement as described in the Notice of Abatement. Thereupon, the City Manager may make such revision, correction or modification to the statement as he or she may deem just, after which the statement, as it is submitted, or as revised, corrected or modified, shall be confirmed. The hearing may be continued from time to time.

I. Notwithstanding any provisions of the Code to the contrary, the decision of the City Manager is final, conclusive, and binding.

J. The City Clerk shall cause a Confirmed Statement of Abatement Costs to be served upon all persons who contested the original statement by first class mail to the address(es) stated on the request form. The City Clerk shall cause a Confirmed Statement of Abatement Costs to be served on the owner of the property on which City Personnel abated a public nuisance by first class mail to the address shown on the last equalized assessment roll (irrespective of whether the owner contested the Statement of Abatement Costs). This document shall also contain the following statement: "The determination of the City Manager is final and binding. Judicial review of the this decision is subject to the provisions and time limits set forth in California Code of Civil Procedure Sections 1094.6 et seq."

K. Failure of a person to receive a properly addressed confirmed statement shall not invalidate any action or proceeding by the City pursuant to this Division.

L. A responsible person shall tender the Abatement Costs in U.S. Currency to the City within forty-five (45) calendar days of the date of service of the Confirmed Statement of Abatement Costs. The City may thereafter proceed to collect its Abatement Costs as contained in the confirmed Statement of Abatement Costs in any manner allowed by law.

30-44.1 Collection of Abatement Costs by Special Assessment

A. The City may cause a special assessment to be made upon real property upon which a public nuisance was abated pursuant to California Government Code, Section 38773.5, and future amendments thereto, in the event a Statement of Abatement Costs or a confirmed Statement of Abatement Costs is not paid in a timely manner.

B. A Notice of Special Assessment shall be sent to the owner(s) of the subject real property by certified mail at the time the assessment is the imposed which shall contain the following recitals:

> The property may be sold after three years by the tax collector for unpaid delinquent assessments. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.

C. The City Attorney or City Prosecutor shall establish the Notice of Special Assessment form for use, or consideration by, the Tax Collector in collecting a special assessment.

D. The Notice of Special Assessment shall be entitled to recordation with the Los Angles County Recorder's Office.

E. The amount of a Special Assessment shall also constitute a personal obligation of the property owners of land upon which the nuisance was abated.

30-44.2 Collection of Costs of Abatement by Nuisance Abatement Lien

A. As an alternative to the procedure contained in Section 30-44.1 of this Division, the City may cause a nuisance abatement lien to be recorded upon real property upon which a public nuisance was abated pursuant to California Government Code, Section 38773.1, and future amendments thereto, in the event a Statement of Abatement Costs or a confirmed Statement of Abatement Costs is not paid in a timely manner.

B. A lien shall not be recorded prior to serving the owner of record of the parcel of land on which the public nuisance is maintained, with a notice. This document shall be served in the same manner as a summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of 10 days and publication thereof in a newspaper of general circulation published in Riverside County pursuant to Section 6062 of the California Government Code.

C. The nuisance abatement lien shall be recorded in the Riverside County Recorder's office in the County in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.

D. A nuisance abatement lien authorized by this section shall specify the amount of the lien for the City of Hemet, the name of the City department or division on whose behalf the lien is imposed, the date of the abatement actions, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.

E. In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in Subsection (D) shall be recorded by the City. A nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.

F. A nuisance abatement lien may be foreclosed by an action brought by the City for a money judgment.

G. The City may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

H. The amount of a Nuisance Abatement Lien shall also constitute a personal obligation of the property owners of land upon which the nuisance was abated.

30-44.3 Restitution of Abatement Costs in Judicial Proceedings

Nothing in this Division shall prevent the City from seeking an order of restitution for abatement costs from a court of competent jurisdiction in connection with a civil or criminal judicial proceeding seeking the abatement of a public nuisance.

30-45 Treble the Costs of Abatement

Pursuant to California Government Code section 38773.7 (or any subsequent amendment thereto), upon entry of a second or subsequent civil or

criminal judgment within a two (2) year period finding that an owner of property is responsible for a public nuisance except for public nuisance conditions abated pursuant to California Health & Safety Code Section 17980 ("State Housing Law"), the court may order that person to pay treble the costs of the abatement.

30-46 Violations and Penalties

A. Any person who remains in or enters any building or structure that has been ordered to be vacated pursuant to the provisions of this Division is guilty of a misdemeanor offense punishable in accordance with Section 1-8 of this Code.

B. Any responsible person who fails to comply with an Order of Abatement by completing each of the requisite corrective actions in the manner and time set forth in the Order of Abatement is guilty of a misdemeanor offense punishable in accordance with Section 1-8 of this Code.

C. Any person who obstructs, impedes, or interferes with any representative of the City engaged in vacating, repairing, rehabilitating, or demolishing and removing any property pursuant to the provisions of this Article is guilty of a misdemeanor offense punishable in accordance with Section 1-8 of this Code.

D. Any person who defaces, alters, or removes any notice or order posted as required in this Article is guilty of a misdemeanor offense punishable in accordance with Section 1-8 of this Code.

E. Each person shall be guilty of a separate offense for each and every day, or part thereof, during which a violation of this Article, or of any law or regulation referenced herein, is allowed, committed, continued, maintained or permitted by such person, and shall be punishable accordingly.

Part 3 – Recordation

30-47 Declaration of Substandard Property

A. Notwithstanding any provision of the Hemet Municipal Code to the contrary, if the City determines that any property, building or structure, or any part thereof, is in violation of any provision of the Hemet Municipal Code and said violation has not been fully abated or corrected, as determined by the City, in the manner and time provided in any written notice to a responsible person, then the City, in its sole discretion, may record a Declaration of Substandard Property with the Riverside County Recorder's Office against said premises. As used herein, "fully abated or corrected" includes the procurement of all required City approvals, permits, licenses and the passage of all City required inspections.

B. A Declaration of Substandard Property shall not be recorded unless the City has first issued a written notice (in any form) to the owner of real property (i) identifying and requiring correction of a public nuisance condition; and, (ii) disclosing that a Declaration of Substandard Property may be recorded against the real property if the public nuisance condition(s) is/are not fully abated or corrected in the manner and time delineated in said notice, as determined by the City.

1. If the notice required pursuant to Section 30-47(B) was comprised of a Notice of Abatement as defined in this Division or of an administrative citation issued pursuant to Chapter 30, Article II, Chapter 4 of this Code, a Declaration of Substandard Property shall not be recorded unless the Notice of Abatement and/or administrative citation is deemed a final and binding City decision.

C. The form that constitutes a Declaration of Substandard Property shall be approved by the City Attorney or the City Prosecutor.

D. The City shall record a Notice of Rescission of Declaration of Substandard Property with the Riverside County Recorder's Office within ten (10) business days of its determination that a violation or a public nuisance has been fully abated or corrected.

E. The City shall cause copies of recorded Declarations of Substandard Property and Notices of Rescission of Declaration of Substandard

Property to be served on all persons having an ownership interest in the subject real property as shown in the last equalized assessment roll of the Riverside County Assessor's Office. Service thereof shall be by first class mail. Failure of any person to receive such notices shall not invalidate any action or proceeding pursuant to this Division.

30-48 Code Enforcement Fees

A. Pursuant to California Government Code Section 54988 and California Health and Safety Code Section 17951 (and any successor statute thereto), the Hemet Building Code, and any other applicable local, State, or Federal law, as well as by the City's police powers as authorized by the California Constitution, the City may charge and collect Code Enforcement Fees from responsible persons who cause, allow, permit, suffer, or maintain a violation in or upon any real property located within the City to defray the City's costs of code enforcement actions. Such fees shall not exceed the amount reasonably required to achieve this objective and are chargeable whether the City's code enforcement actions occur in the absence of formal administrative or judicial proceedings, as well as prior to, during, or subsequent to, the initiation of such proceedings.

1. The amount(s) or rate(s) of Code Enforcement Fees for City Personnel time and other resources that are used for code enforcement actions shall be established, and may thereafter be amended, by resolution of the City Council.

2. The fees imposed pursuant to this section shall be in addition to any other fees or charges that responsible persons may owe in accordance with any other provision of the this Code, or which are imposed pursuant to County, State or Federal laws or regulations.

B. The City shall keep an accounting of the Code Enforcement Fees and shall serve a Statement of Code Enforcement Fees upon the responsible persons. The issuance, service, and contest of a Statement of Code

Enforcement Fees and the payment and collection of Code Enforcement Fees shall be made in the same manner and in the same time frames as for the issuance, service, and contest of a Statement of Abatement Costs and for the payment and collection of Abatement Costs as set forth in Sections 30-44 through 30.44.3 of this Code.

C. The City Manager, or a designee thereof, is authorized to establish regulations for the uniform imposition of Code Enforcement Fees and for related administrative actions pertaining to such fees.

D. Code Enforcement Fees shall also be recoverable in conjunction with any action, administrative proceeding, judicial proceeding, or special proceeding to cause the abatement or cessation of, or otherwise to remove a violation or a public nuisance, and is not limited to those proceedings wherein City Personnel perform the necessary abatement actions.

F. Failure to pay Code Enforcement Fees shall constitute a debt that is collectible in any manner allowed by law, including, but not limited to the recordation of a lien with the County Recorder's Office and/or with the California Franchise Tax Board "Inter-Agency Offset Program" (pursuant to Section 12419.10 of the California Government Code). The City may also withhold or deny the issuance or renewal of any City license, permit, or other entitlement for any property or business, or condition the final approval of any license, permit, or other entitlement upon payment of Code Enforcement Fees, when Code Enforcement Fees imposed upon the applicant pursuant to this Section as a result of a code violation at said property or business remain unpaid.

1. In every instance where an owner or other responsible person is required to obtain a permit, approval, license or entitlement under any provision of the Hemet Municipal Code in connection with the abatement of a violation, the city may condition the issuance of said permit, approval, license or entitlement on the prior payment of all outstanding Code Enforcement Fees.

G. The City shall be entitled to recover its attorney fees and costs pursuant to Section 1-13 of this Chapter arising from an action to collect Code Enforcement Fees imposed in accordance with this Chapter.

30-49 Recovery of Attorneys' Fees

A. The prevailing party of any action, administrative proceeding, or special proceeding to abate a nuisance or to cause the abatement of a public nuisance or other violation of this Code, or in any appeal or other judicial action arising therefrom, shall be entitled to recover reasonable attorney's fees. Attorneys' fees shall not be recoverable unless the City Manager (or a designee thereof) or an attorney for and on behalf of the City elects in writing at the initiation of that individual action or proceeding to seek recovery of its own attorneys' fees.

B. Provided that the City has made an election to seek attorney's fees, an award of attorney's fees to a person shall not exceed the amount of reasonable attorney's fees incurred by the City in that action or proceeding.

C. Unpaid attorneys' fees shall be collectible in any manner allowed by law.

Attachment No. 2

Existing Text of HMC
Chapter 30
Article II
Division 1

DIVISION 1. - GENERALLY [3]

Sec. 30-31. - Purposes.
Sec. 30-32. - Public nuisances designated.
Sec. 30-33. - Commencement of abatement proceedings.
Sec. 30-34. - Voluntary abatement.
Sec. 30-35. - Notice of intent to abate.
Sec. 30-36. - Appeal hearing on notice of intent to abate.
Sec. 30-37. - Order of abatement.
Sec. 30-38. - Appeal of an order of abatement.
Sec. 30-39. - Abatement of nuisance by city.
Sec. 30-40. - Cost accounting—Notification.
Sec. 30-41. - Assessment lien.
Sec. 30-42. - Owner responsibility.
Sec. 30-43. - Alternate actions.
Sec. 30-44. - Misdemeanors.
Sec. 30-45. - Authority to issue citations.
Sec. 30-46. - Citation procedure.
Secs. 30-47—30-50. - Reserved.

Sec. 30-31. - Purposes.

(a) In order to further the stated goals of the city and to protect its citizens and their property from conditions which are offensive or annoying to the senses, detrimental to property values and community appearance, or hazardous or injurious to the health, safety or welfare of the general public, this article pertaining to nuisance abatement is necessary to effectively abate or prevent the development of such conditions in the city.

(b) It is the intention of this article to set forth guidelines for determining the conditions which constitute a public nuisance; to establish a method for giving notice of the conditions and an opportunity to correct them; and finally in the event the public nuisance is not abated or corrected, to provide a procedure for a hearing and determination of the facts and manner in which the conditions shall be corrected or removed.

(c) It is the purpose of this article to provide a just, equitable, and practical method, in addition to any other remedy available at law or equity, whereby lands or buildings which are dilapidated, unsafe, dangerous, unsanitary, cluttered with weeds, debris, abandoned vehicles, machinery or equipment, or are a menace, or hazard to life, limb, safety, health, morals, property values, aesthetic standards, or the general welfare of the city, may be required to be repaired, renovated, vacated, demolished, made safe, or cleaned up by removal of offensive conditions.

(d) In addition to the abatement procedures provided herein, this article declares certain conditions to be public nuisances and that maintenance of such conditions shall be a misdemeanor.

(e) This article is not intended to enforce conditions, covenants and restrictions ("CC&Rs") on property, nor to supersede them. This Article will be enforced uniformly within the city regardless of CC&Rs. Therefore, this article does not abrogate the right of any homeowner's association or private citizen to take action, legal or as otherwise provided in the CC&Rs, to force compliance with the CC&Rs applicable to their tract or association even though the CC&R provisions may be the same, more restrictive, or may not be covered by this article.

(f) This article is not intended to prohibit or limit a business or property owner from performing emergency repairs or activities which are deemed necessary or required under state or federal law.

(Ord. No. 1620, § 1, 4-10-00)

Sec. 30-32. - Public nuisances designated.

It is unlawful and a misdemeanor subject to punishment in accordance with section 1-8 of this Code, and it is declared to be a public nuisance, for any person owning, leasing, occupying, or having charge of any agricultural, residential, commercial, industrial, business park, office, educational, religious, vacant, or other property within the city, to maintain such property in such a manner that any of the following conditions are found to exist thereon:

(1) Any violation of Section 302 of the 1991 version of the Uniform Code for the Abatement of Dangerous Buildings, adopted by the city pursuant to section 14-111 of this Code;

(2) Land, the topography or configuration of which, in any manmade state, whether as a result of grading operations, excavations, fill, or other alteration, interferes with the established drainage pattern over the property or from adjoining or other properties which does or may result in erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious to public health, safety, and welfare or to neighboring properties;

(3) Buildings or structures which are partially destroyed, uninhabited or permitted to remain in a state of partial construction for more than six months, or during any period of extension, after the issuance of a building permit;

(4) Buildings or structures which have broken windows, unkempt appearance, are dilapidated or are uninhabited, secured and boarded for more than six months;

(5) The failure to secure and continue to secure from public access all doorways, windows and other openings into vacant or abandoned (not legally occupied or in use for any legal purpose) buildings or structures;

(6) Walls, retaining walls, fences or structures, or buildings, walls, fences or structures upon which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation;

(7) Any building or structure, wall, fence, pavement, or walkway upon which any graffiti, including, but not limited to paint, ink, chalk, dye or other similar marking substances, is allowed to remain for more than 24 hours;

(8) Broken windows;

(9) Overgrown, dead, decayed or hazardous vegetation which:

a. May harbor rats, vermin or other disease carriers;

b. Is maintained so as to cause an obstruction to the vision of motorists or a hazardous condition to pedestrians or vehicle traffic;

c. Constitutes an unsightly appearance; or

d. Creates a danger or attractive nuisance to the public;

(10) Building exterior, awnings, roofs, landscaping, grounds, walls, retaining and crib walls, fences, driveways, parking lots, sidewalks or walkways which are maintained in such condition so as to become defective, unsightly or no longer viable;

(11) The accumulation of dirt, litter, feces or debris in doorways, adjoining sidewalks, parking lots, landscaped or other areas;

(12) Except where construction is occurring under a valid permit, lumber, junk, trash, garbage, salvage materials, rubbish, hazardous waste, refuse, rubble, broken asphalt or concrete, containers, broken or neglected machinery, furniture, appliances, sinks, fixtures or equipment, scrap metals, machinery parts, dilapidated or dismantled automobiles or other such material stored or deposited on property such that they are visible from a public street, alley, or neighboring property;

(13) Temporary fencing and screening material including, but not limited to fencing consisting of garage doors, wood pallets, barbed wire, tarpaulins (plastic, vinyl, canvas, or other similar material), opaque or transparent plastic or Mylar, palm leaves, bamboo sheeting, ribbed or un-ribbed fiberglass or plastic, recycled metal whose previous use is still easily recognizable. Screening of property visible from a public street must be of durable materials permanently constructed for the purpose of screening and must be consistent with city standards and requirements.

(14) Automobile wrecking yard in any residential district as the same is defined in any provision of this Code or other ordinance of the city now in effect or adopted.

(15) Deteriorated paved or unpaved parking lots, including those containing potholes, cracks or weeds;

(16) Abandoned, broken, or neglected equipment and machinery, pools, ponds, excavations, abandoned wells, shafts, basements or other holes, abandoned refrigerators or other appliances, abandoned motor vehicles, any unsound structure, skateboard ramps, or accumulated lumber, trash, garbage, debris or vegetation which may reasonably attract children to such abandoned or neglected conditions;

(17) Parked unattached, inoperable or non-powered trailers as defined in section 78-154 (A)—(C), except that such public nuisance shall not be considered to be a misdemeanor, and shall instead only be enforced by means of civil action, abatement action, or civil penalty as provided in sections 78-128 and 78-132

(18) Construction debris storage bins stored in excess of 15 days on a public street or any front or side yard setback area without the express approval of the director of community development and/or the public works director;

(19) Refuse or trash placed so as to be visible from neighboring properties or streets, except for those times scheduled for collection, in accordance with the city's adopted solid waste ordinance;

(20) Any property with accumulations of grease, oil or other hazardous material on paved or unpaved surfaces, driveways, buildings, walls, or fences, or from which any such material flows or seeps onto any public street or other public or private property;

(21) Any front yard, parkway, or landscaped setback area which lacks turf, other planted material, decorative rock, bark, or planted ground cover or covering, so as to cause excessive dust or allow the accumulation of debris;

(22) Any condition of vegetation overgrown which encroaches into, over or upon any public right-of-way including, but not limited to, streets, alleys, or sidewalks, so as to constitute either a danger to the public safety or property or any impediment to public travel;

(23) Use of parked or stored recreational vehicles as temporary (no more than 72 consecutive hours except as set forth in subsection 90-1422(e) of this Code) or permanent living space;

(24) Animals, livestock, poultry or bees kept, bred or maintained for any purpose and in violation of any provision of this Code except as authorized in section 90-77

(25) Animals or fowl running at large on public property;

(26) Any habitation which is overcrowded, as defined by the Uniform Housing Code, as adopted by the city pursuant to sections 14-61 and 14-62 of this Code, or which lacks adequate ventilation, sanitation or plumbing facilities, or which constitutes a fire hazard;

(27) Except where construction is occurring under a valid permit, the dumping of waste matter in or upon any public or private highway or road, including any portion of the right-of-way thereof, or in or upon any private property into or upon which the public is admitted by easement or license, or upon any private property without the consent of the owner, or in or upon any public park or any public property other than property designated or set aside for that purpose by the governing board or body having charge of that property.

Except where construction is occurring under a valid permit, any placing, depositing, or dumping of any rocks or dirt in or upon any private highway or road, including any portion of the right-of-way thereof, or any private property, without the consent of the owner, or in or upon any public work or other public property, without the consent of the state or local agency having jurisdiction over the highway, road or property;

(28) Except as provided in subsection 90-1422(e) of this Code, trailers, campers, boats or motor vehicles present on vacant property or in front yards of developed lots other than driveways.

(29) Any barn, stable, or chicken house or yard or manure or fertilizer pile which is a breeding place for flies or liable to become such.

(30) Any building or part of a building which, due to its dilapidated condition or its occupancy by any person affected with communicable disease, or by filthy tenants, may endanger the life or health of residents therein or in the vicinity thereof.

(31) Reserved.

(32) The production of any electrical or mechanical sound or noise from any property C-M or M zoned within the city and projected onto residential property that exceeds the limits established and hereinafter set forth, such as but not limited to that produced by air-conditioning equipment, electrical generators, fans, blowers, pumps, turbines, saws, engines and other like machinery. The level of such sound or noise shall be determined by a sound level meter and octave band filter approved by the American Standards Association, and measurements shall be made at the property line of the residential property concerned closest to the property upon which the sound or noise is produced. The limits hereinabove referred to shall be in accordance with the following table:

TABLE OF LIMITING
NOISE LEVELS

Octave Frequency Band in Cycles Per Second Re .002 Microbar	Maximum Permissible Sound Pressure Level in Decibels Re .002 Microbar
Below 75	65 dB
75—150	60

151–600	55
601–2,400	45
Above 2,400	40

If such noise is produced not more than 20 percent of any one hour, add five decibels; in the event such noise or sound is produced not more than 1.0 percent of any hour, add 15 decibels. These corrective factors shall apply only between the hours of 7:00 a.m. to 10:00 p.m.

Any person desiring to operate or use any machinery or equipment that will produce sound or noise in excess of the limits hereinabove established, on a temporary basis or for a specific purpose, shall apply to the chief of police for a permit to so use or operate. The chief of police shall have the power to deny or issue such permit, upon such reasonable conditions as he shall see fit to impose. The applicant shall have the right to appeal the decision of the chief of police to the city council and upon request, the city clerk shall set the matter on the agenda of the next regular or adjourned regular meeting of the city council. The decision of the city council in such matters shall be final.

(33) Construction activities shall be permitted between the hours of 6:00 a.m. and 6:00 p.m. during the months of June through September and between the hours of 7:00 a.m. and 6:00 p.m. during the months of October through May. Saturday construction shall be permitted between the hours of 7:00 a.m. and 6:00 p.m. Sunday construction shall be prohibited. Exceptions to these standards may be granted only by the city building official and/or the city council. This subsection is not intended to prohibit infrequent homeowner or small construction on the site of an existing home.

(34) All grading and construction activity on a construction site, as defined by section 14-172, shall be carried out in such a manner as to keep the blowing of dust or silt from a construction site to a feasible minimum based upon best available control measures. The city engineer and/or the building official shall have the authority to approve the measure(s) of dust reduction.

(35) The excavation of land that results in the accumulation of any pool or body of water in such a manner that the same is, or may become, a breeding place for mosquitoes.

(36) Radio wave or television interference which can reasonably be eliminated.

(37) The existence or presence of a sidewalk in need of repair and which is dangerous to the public safety.

(38) Any other condition declared by any state, county or city statute, code or regulation to be a public nuisance;

(Ord. No. 1620, § 1, 4-10-00; Ord. No. 1686, § 2, 7-8-03; Ord. No. 1756, § 2, 4-18-06)

Sec. 30-33. - Commencement of abatement proceedings.

Whenever the director of community development (hereinafter "director") or his/her duly authorized agent or representative reasonably believes a public nuisance exists, he/she shall commence abatement proceedings. The director shall have responsibility for abating such nuisance on any private property and cause a written notice to be issued to abate such nuisance.

(1) The notice shall contain a description of the property in general terms reasonably sufficient to identity the location of the property. It shall refer to this section and the violations(s) of this Code at issue, and shall direct compliance by removal or

correction of the condition which is in violation of the provisions of this Code within a minimum of seven calendar days and a maximum of 30 calendar days from the date of the notice. The notice shall further describe the consequences of failure to comply as prescribed in this section.

(2) The notice shall be served on the owner or his/her agent and the person in possession of the property by registered or certified mail, return receipt requested. Delivery by first-class mail shall be used when delivery by registered or certified mail is refused. Such notice by mail shall be sufficient for purposes of this article.

(3) Failure of any person to receive a notice shall not affect the validity of any proceedings under this article.

(Ord. No. 1620, § 1, 4-10-00)

Sec. 30-34. - Voluntary abatement.

The owner, lease holder, tenant or occupant having charge of any building, structure or property alleged to be a public nuisance as set forth above, may abate said nuisance at any time within the abatement period by rehabilitation, repair, removal or demolition. The director/designee shall be advised of the abatement and shall inspect the premises to ensure that the nuisance has in fact been abated.

(Ord. No. 1620, § 1, 4-10-00)

Sec. 30-35. - Notice of intent to abate.

Upon failure of the owner or the person in possession of the property to remove or correct the conditions described in the notice by the date specified, the director, or his/her authorized agent, shall cause a notice of intention to abate to be issued. The notice of intention to abate a public nuisance shall demand that the property owner or person in possession of the property, to remedy or abate the public nuisance within a reasonable period of time, but not less than 15 days. The notice shall include a statement advising that the notice of intention to abate may be appealed in writing, within 15 days from the date of the notice of intention to abate, to the director of community development. The appeal fee, established by resolution of the city council, shall accompany the written appeal. Failure to file a written appeal, accompanied by the appeal fee within the specified time frame constitutes a waiver of all rights to an appeal.

(Ord. No. 1620, § 1, 4-10-00)

Sec. 30-36. - Appeal hearing on notice of intent to abate.

Within 30 calendar days of the filing of an appeal the director of community development shall schedule a hearing. The hearing officer shall be the director of community development or his/her designee. The director shall set the time and place for the hearing.

(1) The hearing to determine whether a public nuisance exists shall be conducted by the hearing officer. The hearing officer is authorized to take testimony and in the course of so doing, is authorized to administer oaths or affirmations pursuant to California Code of Civil Procedure § 2093(a).

(2) At the hearing, the hearing officer shall consider all relevant evidence, including but not limited to applicable staff reports. He/she shall give any interested person the reasonable opportunity to be heard in conjunction therewith. Based upon the evidence

so presented, the hearing officer shall determine whether a public nuisance within the meaning of this article exists.

(Ord. No. 1620, § 1, 4-10-00)

Sec. 30-37. - Order of abatement.

(a) Within five working days the hearing officer shall provide the appellant a copy of the notice of decision. The copy shall be sent by certified or registered mail to the appellant, and to any other persons and entities who received notice of the original hearing, and to any other person requesting the same. The notice shall contain an order of abatement, if a public nuisance is determined to exist, directed to the owner of the affected property or the person in control and/or charge of the property, and shall set forth the nature of the nuisance, its location and the time and manner for its abatement.

(b) The decision of the hearing officer shall be final unless appealed in accordance with section 30-38. In the event of an appeal the order of abatement shall be suspended pending a decision on the appeal.

(Ord. No. 1620, § 1, 4-10-00)

Sec. 30-38. - Appeal of an order of abatement.

(a) An appeal of the order of abatement may be filed with the city clerk within five calendar days of the date of the order by filing the appeal on forms provided by the director of community development and paying the appeal fee set by resolution of the city council. Any person entitled to notice of hearing, who has participated in that hearing and who is dissatisfied by the order of the hearing officer may file an appeal. The appeal form shall include, but not be limited to the following information:

(1) A description of the property;

(2) The abatement proceedings appealed;

(3) The owner, or appealing party's, legal or equitable interest in the property;

(4) A statement of disputed and undisputed facts;

(5) A statement specifying which portion of the proceedings that are being appealed, together with any evidentiary or supporting materials that would support the appeal; and

(6) A verification of the truth of all matters asserted.

(b) Upon the timely filing of a notice of appeal, the city clerk shall place the appeal upon the next regular city council meeting agenda for a hearing on the appeal. In no case shall the appeal hearing be less than five working days after the appeal is filed.

(c) The city clerk shall notify the appellant, in writing of the appeal. The notification shall include the time, place, and date of the hearing on the appeal. Copies of the notice shall also be given to any other person to whom notice of the hearing officer's order was sent. Said notice shall be sent in accordance with subsection 30-37(2).

(d) The city council hearing on the appeal is limited to those items which are stated on appeal. The action of the city council on an appeal is final.

(Ord. No. 1620, § 1, 4-10-00)

Sec. 30-39. - Abatement of nuisance by city.

If the nuisance is not completely abated by the date specified in the hearing officer's order, or in the case of an appeal by the city council's determination, as appropriate, the community

development director may immediately cause the same to be abated by city personnel or under private contract and upon the issuance of an abatement warrant by a court of competent jurisdiction. The hearing officer and/or city council are authorized to grant reasonable extensions on the time period for abatement based on a proper showing by the property owner of extenuating circumstances, made before the date of city abatement. The owner of the premises shall be liable to the city for all costs of such abatement.

(Ord. No. 1620, § 1, 4-10-00)

Sec. 30-40. - Cost accounting—Notification.

City personnel, or any private contractor authorized to abate the nuisance, shall keep an account of the cost, including incidental expenses, of all abatement work performed on each separate lot or parcel of land where work is done and shall render an itemized report in writing to the city council showing the total cost of abatement by rehabilitation, demolition, or repair of the property, buildings, or structure, including any salvage value relating thereto. A copy of the report shall be posted at the city hall or other official location for posting city notices for at least five days before it is considered by the city council. Proof of posting shall be made by affidavit of the city clerk or deputy city clerk. The term "incidental expenses" including but is not limited to the actual expenses and costs of the city in preparation of notices, specifications, and contracts, inspection of the work, and the cost of printing and mailings required under this article, and any attorney fees expended in the abatement of the nuisance, through civil action or otherwise. The city attorney shall be responsible for keeping an accounting of attorney fees and costs transmitting the same to the director.

(Ord. No. 1620, § 1, 4-10-00)

Sec. 30-41. - Assessment lien.

(a) The total cost of abatement of the nuisance, as confirmed by the city council, shall constitute a special assessment against the lot or parcel of land to which it relates and, upon recordation in the office of the county recorder of the County of Riverside of a notice of lien, shall constitute a lien on the property for the amount of the assessment.

(b) After confirmation and recordation, a copy of the notice of lien may be turned over to the tax collector to add the amounts of the assessments to the net regular tax bill levied against the respective lots and parcels of land. Thereafter the assessment amounts shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and the same procedure for foreclosure and sale in case of delinquency as provided for ordinary property taxes. After recordation, the lien may be foreclosed by judicial or other sale in the manner and means provided by law. The notice of lien for recordation shall be in a form substantially as follows:

NOTICE OF LIEN
Claim of the City of Hemet

Pursuant to the authority vested by Article 3 of the Hemet Municipal Code, the City of Hemet's Hearing Officer [City Council] did on or about the_____ day of _____, 20_____, did cause the property hereinafter described to be declared a public nuisance and order the same abated. The City Council of the City of Hemet, did on the_____day of _____, 20_____, assess the cost of such abatement upon the property and the same has not been paid nor any part hereof. The City of Hemet does hereby claim a lien for such abatement in the amount of the

assessment to wit: the sum of $_____, and the same shall be a lien upon the real property until paid in full and discharged of record.

The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being entirely with the City of Hemet, County of Riverside, State of California, particularly described as follows:

(legal description)

Dated: This _____ of _____, 20_____.

Community Development
Director, City of
Hemet

(Ord. No. 1620, § 1, 4-10-00)

Sec. 30-42. - Owner responsibility.

The owner of any premises within the city has the primary responsibility for keeping said premises free of public nuisances. Tenants and occupants of the premises, for the purposes of this article, shall be deemed to be the agents of the owner.

(Ord. No. 1620, § 1, 4-10-00)

Sec. 30-43. - Alternate actions.

Nothing in this article shall be deemed to prevent the city of from commencing a civil or criminal proceeding to abate a public nuisance or from pursuing any other means or remedies available to it under provisions of applicable ordinances, state law, or equity to correct hazards or deficiencies in real property in addition to or as alternatives to the proceedings set forth herein.

(Ord. No. 1620, § 1, 4-10-00)

Sec. 30-44. - Misdemeanors.

(a) The owner, or any other person having charge or control of any building or property, real or personal, who maintains any public nuisance as defined in this article or who violates any order of abatement made pursuant to this article is guilty of a misdemeanor.

(b) Any unauthorized person who removes any notice or order posted as required in this article is guilty of a misdemeanor.

(c) No person shall obstruct, impede or interfere with any representative of the city engaged in vacating, repairing, rehabilitating, or demolishing and removing any property pursuant to the provisions of this article.

(d) Any person violating or failing to comply with any of the provisions of this article shall be guilty of a misdemeanor and shall be punished in accordance with section 1-8 of this Code. A criminal prosecution may be initiated without a nuisance hearing, as provided in this article, or upon a violating of any order resulting from such a hearing. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of the provisions of this article is committed or permitted to continue.

(Ord. No. 1620, § 1, 4-10-00)

Sec. 30-45. - Authority to issue citations.

In addition, to any peace officer working for or on behalf of the city, the following designated officers and employees shall have the power to issue citations to persons for misdemeanor violations of this article whenever the officer or employee has reasonable cause to believe that the person has committed the offense in said officer's or employee's presence:

(1) The director of community development and/or the housing manager;
(2) The director of public works;
(3) The building official; and
(4) Code enforcement officers.

(Ord. No. 1620, § 1, 4-10-00)

Sec. 30-46. - Citation procedure.

All designated officers and employees exercising their authority to arrest under this article shall comply with the procedures regarding the making of arrests set forth in Section 833 et seq. of the California Penal Code, and the procedures regarding misdemeanor citations set forth in Section 853.6 et seq. of the California Penal Code.

(Ord. No. 1620, § 1, 4-10-00)

Secs. 30-47—30-50. - Reserved.

FOOTNOTE(S):

--- (3) ---

Editor's note— *Ord. No. 1620, § 1, adopted Apr. 10, 2000, amended and restated art. II, div. 1, to read as herein set out. See the Code Comparative Table.* *(Back)*

AGENDA # 24

Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Ronald E. Bradley, Interim City Manager

DATE: June 25, 2013

RE: FY 2013-2014 Proposed Budget

RECOMMENDATION:

That the City Council Adopt Resolution Bill No. 13-031, adopting the Budget for the City of Hemet and approving appropriations for the Fiscal Year Commencing July 1, 2013 and ending June 30, 2014.

BACKGROUND:

At the May 28th, 2013 Council Meeting the City Manager presented a preliminary proposed budget for FY 2013-2014 with an estimated shortfall of current revenues to current expenditures of $3.1 million and estimated available General Fund resources of $11.9 million (for detail please refer to the "FY 2013-2014 Preliminary Budget" document). At the June 20th, 2013 Council Budget Workshop, the City Manager proposed a number of additional expenditures and staff was given direction to bring back a proposed budget incorporating these additions. These expenditures are itemized below:

Community Development

Downtown SP & EIR (grant pending)	(300,000)
itrack it software & ipads for building & code	(25,500)
MSHP Master HANS Project Technical Assistance	(20,000)
West End Sphere of Influence Amendment	(75,000)
West End Pre-Zoning Project within SOI	(18,500)
Residential Landscape Guidelines & Prototypes	(15,000)
Total Community Development Requests	**(454,000)**

Community Investment

GIS real estate & site selection program	(20,000)
Outreach event for development svs. & business retention	(15,000)
Total Community Investment Requests	**(35,000)**

Fire Department:

Paramedic/EMD Program	(900,000)
Total Fire Department Requests	**(900,000)**
Total All Departmental Requests	**(1,389,000)**

FISCAL IMPACT:

The additional expenditures total $1,389,000 and the revised remaining General Fund balance is estimated to be $10.5 million (28.5% reserve) at June 30th, 2014.

Respectfully submitted:

Ronald E. Bradley
Interim City Manager

Attachment: Resolution Bill No. 13-031

CITY OF HEMET
Hemet, California
RESOLUTION BILL NO. 13-031

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA ADOPTING THE BUDGET FOR THE CITY OF HEMET AND APPROVING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2013, AND ENDING JUNE 30, 2014

The City Council does hereby resolve as follows:

SECTION 1. The budget for the City of Hemet ("BUDGET") for the fiscal year commencing July 1, 2013, and ending June 30, 2014 as prepared and submitted by the City Manager and as modified by the City Council, is hereby approved and adopted as the budget of the City of Hemet for said fiscal year. A copy of said budget is hereby ordered filed in the office of the City Clerk and shall be certified by the City Clerk as having been adopted by this resolution.

SECTION 2. From the effective date of said budget, the total amount as stated therein for each departmental activity account in the operating budget shall be, and is appropriated subject to expenditure pursuant to all applicable ordinances of the City and the statutes of the State. The operating Supply and Services budget may be reallocated by the City Manager providing there is no change in the total appropriations within any fund as authorized by the City Council.

SECTION 3. At the close of the fiscal year unexpended appropriations in the operating budget will be encumbered as necessary to underwrite the expense of outstanding purchase commitments. Unexpended appropriations for authorized but uncompleted projects in the capital budget as approved by the City Council may be carried forward to the next succeeding budget upon approval of the City Manager.

SECTION 4. Total appropriations within funds will be increased only by amendment of the budget by motion of the City Council.

SECTION 5. The City Manager may reduce expenditure appropriations within funds as a method of fiscal control, and the Finance Director may decrease revenue estimates to reflect economic change during the fiscal period.

SECTION 6. The Finance Director is hereby authorized to transfer monies in accordance with the interfund transfers listed in said budget, and to transfer monies to cover operational expenditures of the City through transfers of funds in such amounts, and at such times during the fiscal year as may be determined necessary to the competent operation and control of City business or to provide for adequate cash flow, except that no such transfer shall be made in contravention of State law or City ordinances.

SECTION 7. The following operating budget amounts are hereby authorized for Fiscal Year 2013-2014 within the departments by fund. (Exhibit A)

SECTION 8. Section 7910 of the California Government Code provides for a formal spending limit. The spending limitation for the fiscal year 2013-14 totals $84,856,918 based on population growth and change in California per capita personal income. The option of using the percentage change in the local assessment roll due to the addition of local non-residential new constructing has not been used. The 2013-14 budget subject to the spending limit is $39,064,600 and, therefore, below the limit. (Exhibit B)

SECTION 9. The City Manager is hereby authorized to appropriate budget in the HOME Funds as program income is paid to the City so that the City can re-loan these funds to qualified homeowners.

SECTION 10. Adjustments made by the City Council during the budget hearing and documented in the minutes for this action will be incorporated within the final printed budget document. The City Manager is hereby authorized to approve any corrections in the budget document that are clerical in nature.

SECTION 11. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED, AND ADOPTED this 25th day of June, 2013.

Robert Youssef, Mayor

ATTEST:

APPROVED AS TO FORM:

Sarah McComas, City Clerk

Eric S. Vail, City Attorney

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Resolution is the actual Resolution adopted by the City Council of the City of Hemet and was passed at a regular meeting of the City Council on the 14th day of June, 2011 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Sarah McComas, City Clerk

Exhibit "A-1"

CITY OF HEMET
REVENUES AND EXPENDITURES
FY 2013-2014 GENERAL FUND PROPOSED

ESTIMATED RESOURCES	FY 2013-2014 (PROPOSED)
Property Taxes	$ 5,913,100
Sales Tax	10,186,400
Franchise Fees	4,960,600
Transient Occupancy Tax	600,000
Business License	401,200
Fines and Penalties/Misc.	364,200
General Administration	3,341,400
Use of Money & Property	176,100
Intergovernmental	4,957,400
Charges for Services	584,500
Other/Miscellaneous	1,481,700
Community Development Revenues	1,615,500
Total Estimated Revenues	**34,582,100**
Total Transfers In	375,000
TOTAL ESTIMATED RESOURCES	**$ 34,957,100**

ESTIMATED REQUIREMENTS	FY 2013-2014 (PROPOSED)
City Council	$ 293,300
City Manager	898,000
City Clerk	243,200
Community Investment	521,800
Finance	1,101,000
Treasurer	28,600
Human Resources	717,100
Police	16,568,000
Animal Regulation	230,000
Fire	11,027,400
Fire Prevention/Weed	234,100
Parks	769,900
Library	1,381,800
Simpson Center	290,000
Planning	1,629,300
Code Enforcement	892,600
Building	1,206,100
Engineering	1,011,200
Total Estimated Expenditures	**$ 39,043,400**
Total Transfers Out	**$ 415,000**
TOTAL ESTIMATED REQUIREMENTS	**$ 39,458,400**
VARIANCE RESOURCES TO REQUIREMENTS	**$ (4,501,300)**

	FY 2013-2014 (PROPOSED)
Beginning Estimated Available Resources 7/1/13	**$ 15,045,100**
Use of Reserve for Budget Shortfall	**(3,112,300)**
Use of Reserve for Additional Approved Supplemental Programs	**(1,389,000)**
Estimated Ending Available Resources	**10,543,800**

Exhibit "A-2"

CITY OF HEMET FY 2013-2014

SUMMARY OF REVENUES, EXPENDITURES, AND TRANSFERS

FUND / TITLE	ESTIMATED AVAILABLE 7-1-13	ADDITIONS REVENUES	ADDITIONS TRANSFER	TOTAL AVAILABLE	EXPENSES	TRANSFER	TOTAL DEDUCT	ESTIMATED BALANCE 6-30-14
001 GENERAL FUND	**15,045,100**	**34,582,100**	**375,000**	**50,002,200**	**39,043,400**	**415,000**	**39,458,400**	**10,543,800**
SPECIAL REVENUE FUNDS:								
130 PUBLIC SAFETY TOWING	117,900	60,300		178,200	136,600	0	136,600	41,600
221 GAX TAX	2,807,500	1,900,405	310,000	5,017,905	2,368,600	0	2,368,600	2,649,305
222 MEASURE A	2,033,100	1,442,000	20,000	3,495,100	0	0	0	3,495,100
224 AQMD	0	241,000		241,000	7,700	0	7,700	233,300
231 ASSET FOREITURE	140,500	0		140,500	0	0	0	140,500
234 PUBLIC SAFETY CFD	(1,111,000)	449,900	395,000	(266,100)	663,400	0	663,400	(929,500)
241 GENERAL PLAN	(23,300)	23,500		200	0	0	0	200
254 STORM DRAIN/SEWER	3,477,100	2,793,700		6,270,800	2,560,400	310,000	2,870,400	3,400,400
788 HEARTLAND BOND	0	1,195,000		1,195,000	930,900	0	930,900	264,100
TOTAL SPECIAL REVENUES	**7,441,800**	**8,105,805**	**725,000**	**16,272,605**	**6,667,600**	**310,000**	**6,977,600**	**9,295,005**
DEVELOPMENT IMPACT FEE FUNDS:								
315 PUBLIC MEETINGS FACILITIES	572,700	2,000		574,700	0		0	574,700
316 GENERAL FACILITIES	1,548,700	90,000		1,638,700	500		500	1,638,200
326 FLOOD CONTROL	2,247,800	216,000		2,463,800	500		500	2,463,300
329 BRIDGES/STREETS	2,941,300	361,000		3,302,300	500		500	3,301,800
331 LAW ENFORCEMENT	59,800	46,500		106,300	500		500	105,800
332 FIRE FACILITIES	3,200,000	70,000		3,270,000	500		500	3,269,500
361 PARK DEVELOPMENT	1,025,300	117,000		1,142,300	500		0	1,142,300
362 VALLEY WIDE DVL	286,300	20,500		306,800	0		0	306,800
363 LIBRARY FACILITIES	1,182,500	68,000		1,250,500	164,400		164,400	1,086,100
TOTAL IMPACT FEE FUNDS	**13,064,400**	**991,000**	**0**	**14,055,400**	**167,400**	**0**	**166,900**	**13,888,500**
ENTERPRISE FUNDS:					INCLUDES DEPRECIATION			
553 REFUSE	4,226,500	108,000		4,334,500	251,600	375,000	626,600	3,707,900
571 WATER	7,350,000	7,863,200		15,213,200	11,211,800		11,211,800	4,001,400
TOTAL ENTERPRISE FUNDS	**11,576,500**	**7,971,200**	**0**	**19,547,700**	**11,463,400**	**375,000**	**11,838,400**	**7,709,300**
	LLMD's Pending DRAFT ONLY			***To be updated & incorporated into final book***				
ASSESSMENT DISTRICT FUNDS:								
225 L&LMD	*(210,000)*	*1,901,700*	*0*	*1,691,700*	*1,974,400*	*0*	*1,974,400*	*(282,700)*
227 LIGHTING DIST POST 218	*467,800*	*106,800*	*0*	*574,600*	*206,500*		*206,500*	*368,100*
228 LANDSCAPE DIST POST 218	*1,018,900*	*634,900*		*1,653,800*	*1,459,800*	*0*	*1,459,800*	*194,000*
TOTAL ASSESSMENT DISTRICT	*1,276,700*	*2,643,400*	*0*	*3,920,100*	*3,640,700*	*0*	*3,640,700*	*279,400*
INTERNAL SERVICE FUNDS:								
680 ADMINISTRATIVE SERVICES	440,000	2,372,500		2,812,500	2,811,300		2,811,300	1,200
684 VEHICLE MAINTENANCE	0	1,533,100		1,533,100	1,533,100		1,533,100	0
685 FACILITIES MAINTENANCE	700,000	1,849,000		2,549,000	1,985,700		1,985,700	563,300
686 PW ADMINISTRATION	50,000	788,800		838,800	755,800		755,800	83,000
681 WORKERS COMP	1,600,000	987,100		2,587,100	1,651,300		1,651,300	935,800
682/7MEDICAL/DENTAL	940,000	310,000		1,250,000	365,000		365,000	885,000
683 LIABILITY FUND	283,800	837,100		1,120,900	854,000		854,000	266,900
380 EQUIPMENT REPLACEMENT	3,769,900	365,600		4,135,500	662,300		662,300	3,473,200
689 OPEB	700,000	3,360,000		4,060,000	3,360,000		3,360,000	700,000
TOTAL INTERNAL SERVICE	**8,483,700**	**12,403,200**	**0**	**20,886,900**	**13,978,500**	**0**	**13,978,500**	**6,908,400**
GRANT FUNDS								
240 CDBG	0	663,100		663,100	663,100		663,100	0
245 CalHome	45,899	0		45,899	45,899		45,899	0
246 HOME	206,842	224,700		431,542	431,542		431,542	0
232 VETS to COPS	0	233,000		233,000	233,000		233,000	0
236 COPS /AB 3229	151,733	128,700		280,433	280,433		280,433	0
237 LLEBG	1,455	30,000		31,455	31,455		31,455	0
247 NSP GRANT	0	973,800		973,800	973,800		973,800	0
TOTAL GRANT FUNDS	**405,929**	**2,253,300**	**0**	**2,659,229**	**2,659,229**	**0**	**2,659,229**	**0**
TOTAL ALL FUNDS	**56,017,429**	**66,306,605**	**1,100,000**	**123,424,034**	**73,979,529**	**1,100,000**	**75,079,029**	**48,345,005**

Exhibit "A-3"

CITY OF HEMET
EXPENDITURES BY CATEGORY - PRIMARY FUNDS
BY DEPARTMENT AND FUND (FY 2013-2014)

FUND / TITLE	PERSONNEL SERVICES	OPERATING EXPENSES	INTERNAL SERVICE	GRANT OFFSET	CAPITAL OUTLAY	DEBT SERVICE	DEPREC NON-OP	TOTAL EXPENSES
GENERAL FUND (100, 110, 120):								
CITY COUNCIL	116,700	61,200	115,400	0	0	0	0	293,300
CITY MANAGER	652,700	95,000	150,300	0	0	0	0	898,000
CITY CLERK	146,600	61,800	34,800	0	0	0	0	243,200
FINANCE	846,300	135,600	119,100	0	0	0	0	1,101,000
TREASURER	11,000	6,500	11,100	0	0	0	0	28,600
HUMAN RESOURCES	281,400	48,500	387,200	0	0	0	0	717,100
POLICE DEPARTMENT	12,509,900	1,153,500	3,137,600	(233,000)	0	0	0	16,568,000
ANIMAL REGULATION	0	230,000	0	0	0	0	0	230,000
FIRE DEPARTMENT	8,086,900	1,285,600	1,654,900	0	0	0	0	11,027,400
FIRE PREVENTION/WEED ABT	140,100	69,900	24,100	0	0	0	0	234,100
PARKS	434,800	160,200	174,900	0	0	0	0	769,900
LIBRARY	676,100	53,000	652,700	0	0	0	0	1,381,800
SIMPSON CENTER	0	290,000	0	0	0	0	0	290,000
PLANNING	700,500	647,700	281,100	0	0	0	0	1,629,300
CODE ENFORCEMENT	513,700	241,200	137,200	0	0	0	0	892,100
BUILDING	869,300	132,700	204,600	0	0	0	0	1,206,600
DEVELOPMENT ENGINEERING	451,900	24,000	202,900	0	0	0	0	678,800
CAPITAL ENGINEERING	132,600	76,900	122,900	0	0	0	0	332,400
COMMUNITY INVESTMENT	282,600	185,000	54,200	0	0	0	0	521,800
TOTAL GENERAL FUND	**26,853,100**	**4,958,300**	**7,465,000**	**(233,000)**	**0**	**0**	**0**	**39,043,400**
SPECIAL REVENUE FUNDS:								
130 PUBLIC SAFETY TOWING	30,000	22,600	0	0	84,000	0	0	136,600
221 GAX TAX	1,455,700	619,800	268,100	0	25,000	0	0	2,368,600
222 MEASURE A	0	0	0	0	0	0	0	0
224 AQMD	0	7,700	0	0	0	0	0	7,700
231 ASSET FOREITURE	0	0	0	0	0	0	0	0
234 PUBLIC SAFETY CFD	651,400	12,000	0	0	0	0	0	663,400
241 GENERAL PLAN	0	0	0	0	0	0	0	0
254 STORM DRAIN/SEWER	1,087,800	520,400	557,200	0	395,000	0	0	2,560,400
788 HEARTLAND BOND	0	0	0	0	0	930,900	0	930,900
TOTAL SPECIAL REVENUES	**3,224,900**	**1,182,500**	**825,300**	**0**	**504,000**	**930,900**	**0**	**6,667,600**
ENTERPRISE FUNDS								
553 INTEGRATED WASTE MGMT	224,400	3,100	24,100	0	0	0	0	251,600
571 WATER	2,582,600	3,111,300	2,696,200	0	1,565,000	156,700	1,100,000	11,211,800
TOTAL ENTERPRISE FUNDS	**2,807,000**	**3,114,400**	**2,720,300**	**0**	**1,565,000**	**156,700**	**1,100,000**	**11,463,400**
INTERNAL SERVICE FUNDS:								
680 CITY ATTORNEY	0	1,200,000	0	0	0	0	0	1,200,000
680 INFORMATION TECHNOLOGY	537,400	805,300	44,400	0	55,000	0	85,000	1,527,100
680 EMERGENCY SERVICES	51,200	32,000	1,000	0	0	0	0	84,200
684 VEHICLE MAINTENANCE	629,500	629,100	294,900	0	0	0	0	1,553,500
685 FACILITIES MAINTENANCE	592,600	1,137,000	63,600	0	192,500	0	0	1,985,700
686 PW ADMINISTRATION	516,000	107,800	112,000	0	20,000	0	0	755,800
681 WORKERS COMP	114,800	1,536,500	0	0	0	0	0	1,651,300
682&7 MEDICAL/DENTAL	0	365,000	0	0	0	0	0	365,000
683 LIABILITY FUND	96,700	757,300	0	0	0	0	0	854,000
380 EQUIPMENT REPLACEMENT	0	662,300	0	0	0	0	0	662,300
689 OPEB	0	3,360,000	0	0	0	0	0	3,360,000
TOTAL INTERNAL SERVICE	**2,538,200**	**10,592,300**	**515,900**	**0**	**267,500**	**0**	**85,000**	**13,998,900**
GRAND TOTAL EXPENSES	**35,423,200**	**19,847,500**	**11,526,500**	**(233,000)**	**2,336,500**	**1,087,600**	**1,185,000**	**71,173,300**

CITY OF HEMET REVENUES ALL FUNDS
FY 2007-2008 ACTUALS TO FY 2013-2014 PROPOSED

Exhibit A-4

FUND	REVENUE TITLE	FY 2007-08 Actuals	FY 2008-09 Actuals	FY 2009-10 Actuals	FY 2010-11 Actuals	FY 2011-12 Actuals	FY 2012-13 3rd Qtr Update	FY 2013-14 Projections
GENERAL FUND (100, 110, 120)								
100-0166	ADMIN FEE ON NEW BUSINESS LIC	148,476	144,965	94,860	52,380	80	0	0
100-0167	ADMIN FEE ON BUS. LIC. RENEWAL	87,385	91,175	103,654	93,594	451	0	0
100-0751	DUE FROM WATER FUND	559,266	584,988	495,960	463,116	373,896	803,200	722,900
100-0752	DUE FROM SEWER/STORM FUND	211,334	210,192	172,656	168,792	139,188	184,400	178,400
100-0753	DUE FROM REFUSE FUND	817,189	827,892	761,172	687,816	558,804	0	0
100-0757	DUE FROM GENERAL FUND	1,476,328	1,472,112	1,142,016	1,265,484	1,223,304	2,002,700	2,127,500
100-0758	DUE FROM OTHER FUNDS	190,247	178,212	278,064	288,696	256,992	287,200	312,600
100-0790	MISC OTHER REVENUE	4,116	4,101	5,637	5,952	4,834	11,584	0
Sub-Total General Administration Revenues		***3,494,341***	***3,513,637***	***3,054,019***	***3,025,830***	***2,557,549***	***3,289,084***	***3,341,400***
110-0110	PROPERTY TAXES-CURRENT SEC.	4,680,235	4,528,979	4,415,560	3,738,788	3,759,226	3,865,200	3,981,200
110-0116	PROPERTY TAX RPTTF ON-GOING					430,474	998,000	1,100,000
110-01X0	PROPERTY TAX RPTTF ONE -TIME						1,400,000	0
110-0111	PROPERTY TAX-CURRENT UNSEC.	196,902	271,174	316,618	204,363	194,786	185,000	190,500
110-0112	PROPERTY TAX-ADMIN FEES					(144,183)	(57,200)	(57,200)
110-011x	PROPERTY TAX-PTAF SETTLEMENT						120,600	120,600
110-0115	PRIOR YEAR PROPERTY TAXES	318,443	494,712	49,298	295,329	237,962	223,000	223,000
110-0117	DELINQ PROP TAX PENALTIES	120,653	332,347	68,809	148,842	110,649	120,000	120,000
110-0118	SUPPLEMENTAL PROPERTY TAXES	827,865	169,872	1,153	50,081	22,420	22,900	30,000
110-0119	AB1290/GEN FUND TAX INCREMENT	61,170	68,889	76,904	68,423	31,242	0	0
110-0120	SALES AND USE TAX	10,228,734	8,165,632	7,319,549	9,007,744	8,962,986	9,455,600	9,663,000
110-0125	PROP 172 (1/2 % SALES TAX)	539,817	475,599	414,376	428,298	463,512	513,200	523,400
110-0130	TRANSIENT OCCUPANCY TAX	947,371	659,776	620,937	602,781	585,725	585,000	600,000
110-0141	SOUTH CALIF GAS FRANCHISE	275,282	335,308	199,657	229,637	228,496	191,300	200,000
110-0142	SOUTH CALIF EDISON FRANCHISE	289,979	297,893	278,772	286,819	292,981	297,400	310,000
110-0143	CABLE TV FRANCHISE	485,139	520,126	533,999	552,190	517,581	512,600	515,800
110-0144	CABLE TV FRANCHISE (NEW)	0	0	64,505	206,791	284,603	372,500	383,700
110-0145	IWM FRANCHISE FEE					14,415,000	3,357,800	3,389,400
110-0147	PEG FUNDS TIME WARNER					71,163	81,600	84,100
110-0148	PEG FUNDS VERIZON					56,920	75,300	77,600
110-0160	BUSINESS LICENSE RENEWALS	247,970	280,435	327,578	339,995	385,181	320,000	330,000
110-0162	DEL PENALTY ON BUSINESS LICENSE RENEWALS	11,398	13,713	13,020	9,283	8,150	10,000	10,000
110-0163	NEW BUSINESS LICENSES	74,029	71,620	47,098	44,589	46,525	60,000	60,000
110-0164	DEL PENALTY ON NEW BUS LICENSE	1,431	3,045	1,960	934	1,535	1,200	1,200
110-0165	PROPERTY TRANSFER TAXES	200,472	194,523	153,302	146,562	115,532	145,000	155,000
Sub-Total Taxes		***19,506,890***	***16,883,643***	***14,903,096***	***16,361,449***	***31,078,465***	***22,856,000***	***22,011,300***

FUND	REVENUE TITLE	FY 2007-08 Actuals	FY 2008-09 Actuals	FY 2009-10 Actuals	FY 2010-11 Actuals	FY 2011-12 Actuals	FY 2012-13 3rd Qtr Update	FY 2013-14 Projections
110-0210	ANIMAL LICENSE	18,195	18,032	22,976	7,508	0	0	0
110-0212	BICYCLE & OTHER LICENSES	81	114	72	45	9	0	0
110-0245	FIRE CODE PERMITS	522	395	1,039	2,461	1,462	500	500
110-0292	REFUSE SELF-HAUL PERMIT					528	200	500
110-0262	DEVELOPMENT AGREEMENT FEE	(83,739)	0	0	0	5,000	(5,000)	0
Sub-Total Licenses & Permits		***(64,941)***	***18,541***	***24,087***	***10,014***	***6,999***	***(4,300)***	***1,000***
110-0310	VEHICLE CODE FINES	210,077	152,378	91,295	93,269	80,258	65,000	300,000
110-0320	OTHER CODE FINES	102,331	83,012	28,399	32,323	38,998	35,000	40,000
110-0325	CITY PARKING CITATIONS	47,112	36,989	32,498	28,361	25,643	23,000	23,000
110-0330	FORFEITURES AND PENALTIES	589	321	428	344	225	200	200
Sub-Total Fines & Forfeitures		***360,109***	***272,700***	***152,619***	***154,297***	***145,124***	***123,200***	***363,200***
110-0410	INTEREST EARNINGS	714,202	338,305	128,026	118,718	123,106	125,000	150,000
110-0413	GASB31 FAIR MARKET VAL INCOME	52,873	29,264	3,525	(9,203)	39,402		
110-0420	RENTS/SIMPSON CENTER	36,139	23,595	16,399	11,721	0	0	0
110-0421	RENT/2ND FLOOR LIBRARY	21,154	9,785	5,405	11,051	12,413	1,200	1,200
110-0425	RENTS/OTHER	26,900	10,400	47,888	16,089	21,938	21,300	21,300
110-0426	RDA RENT/PARKING LOT LEASE	0	0	0	0	0	0	0
110-0427	LEASE REVENUE	3,500	(1,000)	0	0	1,800	3,600	3,600
Sub-Total Use of Money & Property		***854,768***	***410,349***	***201,243***	***148,376***	***198,658***	***151,100***	***176,100***
110-0505	STATE MOTOR VEH IN LIEU TAX	6,690,426	6,471,355	5,373,420	5,178,849	4,783,110	4,794,883	4,890,900
110-0509	STATE OFF HWY MOTOR VEH FEES	0	0	0	0	0	0	0
110-0510	COUNTY HOMEOWNERS EXEMPTION	71,603	70,505	67,886	35,297	67,124	50,000	50,000
110-0519	STATE BOOKING FEE REVENUE	0	0	0	0	0	0	0
110-0520	STATE P.O.S.T. REIMBURSEMENTS	41,082	24,887	20,923	17,538	32,849	48,000	40,000
110-0533	RESTITUTION/DUI	27,828	151	10,126	20,445	36,400	11,600	14,200
110-0565	CFFC PROP 10	0	0	0	0	0	0	0
110-0566	LIBRARY GRANTS	61,850	59,124	52,862	33,612	0	0	0
110-0568	STATE PUBLIC LIBRARY FUND	27,545	0	20,000	25,934	24,255	0	0
110-0569	STATE LIBRARY LITERACY GRANT	37,304	32,274	9,511	31,013	20,157	12,301	12,300
110-0593	ARRA STIMULUS COPS GRANT	0	0	350,673	372,623	0	0	0
110-0594	OTS TRAFFIC GRANT	0	0	0	0	0	0	0
110-0595	ABC SRO GRANT	0	0		0	0	0	0
Sub-Total Intergovernmental Revenues		***6,957,638***	***6,658,296***	***5,905,400***	***5,715,311***	***4,963,895***	***4,916,784***	***5,007,400***
110-0603	PASSPORT REVENUE/SIMPSON CTR	31,431	12,900	10,510	10,900	595	275	200
110-0607	OTHER FILING FEES	0	0		0	0	0	0

FUND	REVENUE TITLE	FY 2007-08 Actuals	FY 2008-09 Actuals	FY 2009-10 Actuals	FY 2010-11 Actuals	FY 2011-12 Actuals	FY 2012-13 3rd Qtr Update	FY 2013-14 Projections
110-0610	SALE OF MAPS/PUBLICATIONS/ETC	5,814	5,185	5,559	5,455	5,637	1,000	2,000
110-0611	LIBRARY SALE OF COPIES	17,338	17,242	13,388	12,960	13,409	10,000	10,000
110-0613	CITY CLERK PUBLICATION SALES	346	454	209	75	242	300	300
110-0614	SKILLED NURSING FEE	0	1,614	0	0	0		
110-0615	SPECIAL POLICE DEPT SERVICES	165,524	91,628	166,607	96,923	60,883	265,000	265,000
110-0625	SPECIAL FIRE DEPT SERVICES	341	1,066	53,949	78,478	61,079	70,000	70,000
110-0631	FIRE PLAN CHECK FEE	57,120	29,484	36,692	49,636	31,452	31,000	31,000
110-0632	FIRE INSPECTION SERVICE	716	13,526	23,411	17,951	17,673	26,000	26,000
110-0633	FIRE INVESTIGATION SERVICES	0	283	75	7,549	11,004	0	0
110-0660	WEED AND LOT CLEANING	(726)	28,128	43,509	27,721	43,556	40,000	40,000
110-0680	LIBRARY FEES AND FINES	49,408	42,868	36,066	34,754	36,661	35,000	35,000
110-0698	ALARM PERMITS/FEES				87,002	100,430	80,000	80,000
110-0697	FIRE INCIDENT RECOVERY					32,866	10,000	5,000
110-0699	POLICE ADMIN CITATIONS	0	0	395	13,773	9,134	300	20,000
Sub-Total Charges for Services		***327,312***	***244,378***	***390,371***	***443,176***	***424,620***	***568,875***	***584,500***
110-0701	SALE OF REAL PROPERTY	100,000	1,285	0	7,076	0	0	0
110-0702	UNCLAIMED PROPERTY REVENUE	50	0	719	0	78	1,000	1,000
110-0706	STREET SIGN REVENUE				0	2,994	1,000	0
110-0744	LIBRARY PROGRAM DONATIONS	73,000	0	0	0	0	0	0
110-0745	CONTRIB FR NON-GOVMTL SOURCES	0	0	0	170,322	42,861	0	0
110-0746	HUSD CONTRIB FOR SRO OFFICERS	471,989	471,580	471,580	452,065	441,960	440,000	446,400
110-0747	UTILITY BUILDING RENTAL FEE	604,344	676,056	676,044	688,896	390,227	367,200	367,200
110-0748	UTILITY LAND RENTAL FEE	790,080	812,664	812,652	835,212	552,782	560,200	560,200
110-0749	UTILITY STREET IMPACT FEE	1,085,832	1,146,156	1,146,156	1,176,300	0	0	0
110-0756	FRANCHISE FEE PAYMENTS	0	0	0	0	0	0	0
110-0783	REIMB FROM BOND PROCEEDS-ADMIN	16,938	16,938	16,938	16,938	16,938	16,900	16,900
110-0785	STATE MANDATED COST	49,931	53,971	41,683	12,356	53,816	50,000	50,000
110-0790	OTHER REVENUE	50,730	4,456	50,938	103,435	396,592	40,000	40,000
Sub-Total Miscellaneous		***3,242,894***	***3,183,106***	***3,216,710***	***3,462,600***	***1,898,246***	***1,476,300***	***1,481,700***
120-0161	GARAGE SALE PERMITS	0	0	0	17,492	21,890	19,000	19,000
120-0221	BUILDING PERMITS	733,671	1,030,634	868,016	825,809	447,791	500,000	520,000
120-0222	PLUMBING PERMITS	114,002	62,221	82,286	63,781	32,655	35,000	38,000
120-0233	ELECTRICAL PERMITS	106,476	57,500	69,084	61,362	34,925	30,000	32,000
120-0235	MECHANICAL PERMITS	40,806	32,673	53,963	68,323	55,482	55,500	58,000
120-0236	ENGINEERING INSPECTION	680,783	509,186	189,523	244,262	180,942	180,000	180,000
120-0237	TRANSPORTATION PERMITS	11,686	5,636	5,132	8,917	3,848	10,000	10,000
120-0238	ENGINEERING ENCROACHMENT PERMIT	7,968	333	266	369	348	350	500
120-0240	PRE-INSPECTION	(723)	(360)	0	0	0	0	2,000

FUND	REVENUE TITLE	FY 2007-08 Actuals	FY 2008-09 Actuals	FY 2009-10 Actuals	FY 2010-11 Actuals	FY 2011-12 Actuals	FY 2012-13 3rd Qtr Update	FY 2013-14 Projections
120-0250	CERTIFICATE OF OCCUPANCY	29,870	33,929	30,619	29,148	27,190	25,000	28,000
120-0290	OTHER LICENSES & PERMITS	37,544	39,637	44,599	73,747	82,880	73,400	75,000
120-0291	LICENSE VALIDITY FEE	15,000	13,391	12,652	0	11,564	13,000	11,500
120-0335	CODE ENF/ADMINISTRATIVE CITATIONS	200	53,945	65,416	95,408	74,691	70,000	80,000
120-0336	CODE COST RECOVERY	0	0	0	281,369	208,670	130,000	130,000
120-0601	PLANNING APPLICATIONS	240,085	74,683	51,457	120,937	66,060	85,000	90,000
120-0602	MISCELLANEOUS PLANNING FEES	25,619	20,102	13,479	10,743	11,016	8,000	8,000
120-0605	SUBDIVISION FEES	50,527	(342)	7,705	12,320	1,400	10,000	10,000
120-0608	PERMANENT SIGN PERMIT FEES	9,125	0	0	0	0	0	0
120-0609	ENVIRONMENTAL REVIEW	12,848	1,236	480	480	9,005	500	3,500
120-0610	SALE OF MAPS/PUBLICATIONS/ETC	1,138	650	117	149	407	300	300
120-0627	PLUMBING PLAN CHECK FEE	(3)	0	0	0	0	0	0
120-0628	ELECTRICAL PLAN CHECK FEE	(11)	0	0	0	(33)	0	0
120-0629	MECHANICAL PLAN CHECK FEE	0	0	0	0	0	0	0
120-0630	BUILDING PLAN CHECK FEE	441,508	245,627	195,596	170,923	131,670	135,000	142,000
120-0635	PLAN STORAGE FEE	20,709	13,276	11,909	18,364	6,557	7,000	9,000
120-0636	MICROLFIM REPRO	26,825	8,274	9,824	0	14,605	15,500	12,000
120-0644	GRADING IMPORT FEE	31,975	81,373	25,988	(484)	1,878	1,800	2,000
120-0645	ENGINEERING PLAN CHECK ON/OFF SITE	68,426	58,031	6,509	68	1,341	100	500
120-0646	GRADING PLAN CHECK	245	0	0	0	0	0	2,000
120-0647	ENGINEER MAP PLAN CHECK	483,848	334,104	160,984	85,735	81,765	81,000	81,000
120-0661	BUILDING CODE	0	2,478	0	0	0	0	0
120-0663	HAZARD ABATEMENT	90,665	65,923	8,534	0	0	0	0
120-0664	VEHICLE ABATEMENT	44,537	70,198	74,577	45,657	49,275	37,000	37,000
120-0668	BUILDING INSPECTION SERVICES	2,368	3,556	0	0	0	700	0
120-0691	DEV SERV PROCESSING FEE	65,067	52,471	56,684	35,283	6,619	17,000	17,000
120-0693	TUMF 1% ADMIN FEE	19,357	7,861	23,183	3,331	4,187	6,000	7,000
120-0694	MSHCP 1% ADMIN FEE	20,288	3,306	5,231	1,532	978	1,600	2,000
120-0695	PLANNING TRI-PARTY ADMIN FEE	225,681	0	0	0	0	16,000	8,000
120-0696	sb 1473 10% ADMIN CHARGE	0	0	0	0	232	0	200
120-0790	MISC COMMUNITY DEV. REV	15,000	145	0	0	0	0	0
Sub-Total Community Development Revenue		***3,673,110***	***2,881,677***	***2,073,812***	***2,275,025***	***1,569,838***	***1,563,750***	***1,615,500***
GENERAL FUND TOTAL REVENUES		**38,352,121**	**34,066,327**	**29,921,356**	**31,596,078**	**42,843,394**	**34,940,793**	**34,582,100**
PUBLIC SAFETY TOWING (130)								
130-0410	INVESTMENT EARNINGS	5,290	3,472	1,687	695	995	300	300
130-0616	PD/VEHICLE STORAGE	125,823	86,001	60,300	81,038	79,250	60,000	60,000
PUBLIC SAFETY TOWING TOTAL		**131,113**	**89,473**	**61,987**	**81,733**	**80,245**	**60,300**	**60,300**

FUND	REVENUE TITLE	FY 2007-08 Actuals	FY 2008-09 Actuals	FY 2009-10 Actuals	FY 2010-11 Actuals	FY 2011-12 Actuals	FY 2012-13 3rd Qtr Update	FY 2013-14 Projections
GAS TAX (221)								
221-0410	INTEREST EARNINGS	10,607	4,225	7,414	9,270	21,543	2,000	2,000
221-0506	GAS TAX 2106	278,881	222,629	242,165	266,842	227,753	249,900	248,208
221-0507	STATE GAS TAX 2107	568,310	489,875	532,888	562,479	520,076	525,900	537,487
221-0508	STATE GAS TAX 2107.5	7,500	0	7,500	7,500	7,500	7,500	7,500
221-0511	GAS TAX 2105	424,691	367,914	400,430	422,728	362,413	366,500	341,072
221-0516	TRAFFIC CONG RELIEF or in lieu	0	628,050	676,108	450,058	1,071,259	823,000	764,138
221-0790	OTHER REVENUE (refuse impact)	370	298	4,848	4,022	346,009	0	0
GAS TAX TOTAL		**1,290,359**	**1,712,991**	**1,871,353**	**1,722,899**	**2,556,554**	**1,974,800**	**1,900,405**
MEASURE A (222)								
222-0121	SALES TAX MEASURE A	2,007,260	1,604,629	1,049,869	1,253,199	1,322,966	1,387,000	1,422,000
222-0410	INVESTMENT EARNINGS	146,521	74,006	36,535	19,575	30,040	20,000	20,000
222-0413	GASB31 FAIR MARKET VAL INCOME	38,541	16,497	2,493	0	10,456	0	0
MEASURE A TOTAL		**2,192,322**	**1,695,132**	**1,088,897**	**1,272,774**	**1,363,462**	**1,407,000**	**1,442,000**
ARTICLE 3/SB821 (223)								
223-0504	BICYCLE-PEDESTRIAN	0	0	0	92,509	92,509	0	0
ARTICLE 3/SB821 TOTAL (223)		**0**	**0**	**0**	**92,509**	**92,509**	**0**	**0**
AIR POLLUTION REDUCTION (224)								
224-0410	INVESTMENT EARNINGS	4,378	3,121	2,284	2,076	2,044	1,000	1,000
224-0505	AB 2766 DMV AIR QUALITY FEES	85,642	86,637	84,197	83,036	99,835	80,000	80,000
224-0597	MSRC GRANT REIMB.	0	0	0	0	0	0	160,000
AIR POLLUTION REDUCTION TOTAL		**90,020**	**89,758**	**86,481**	**85,112**	**101,879**	**81,000**	**241,000**
L&LMD PRE - 218 TOTAL (225)		**1,800,987**	**1,933,917**	**1,901,600**	**2,033,582**	**1,855,521**	**1,901,700**	*1,901,700*
							est only LLMD pending	
ISTEA TOTAL		**0**	**0**	**0**	**0**	**0**	**0**	**0**
POST PROP-218 LIGHTING FUND TOTAL (227)		**325,250**	**443,573**	**78,064**	**60,321**	**161,653**	**106,800**	*106,800*
							est only LLMD pending	
POST PROP - 218 LANDSCAPE TOTAL (228)		**1,432,115**	**2,218,006**	**1,338,337**	**1,390,959**	**1,091,823**	**642,200**	*642,200*
							est only LLMD pending	
ASSET SEIZURE - 231								
231-0410	INVESTMENT EARNINGS	5,844	4,921	2,181	1711	1,717	0	0
231-0534	ASSET SEIZURE-FEDERAL FORFEIT	152,816	17,885	1,336	7,537	12,091	0	0
231-0536	ASSET SEIZURE (PATROL)-OTHER	5,452	11,642	0	0	1,280	0	0
ASSET SEIZURE - TOTAL		**164,112**	**34,448**	**3,517**	**9,248**	**15,088**	**0**	**0**

FUND	REVENUE TITLE	FY 2007-08 Actuals	FY 2008-09 Actuals	FY 2009-10 Actuals	FY 2010-11 Actuals	FY 2011-12 Actuals	FY 2012-13 3rd Qtr Update	FY 2013-14 Projections
PUBLIC SAFETY GRANTS (232)								
232-0582	PUBLIC SAFETY GRANT	73,419	60,020	467,504	907,806	1,917,596	177,000	233,000
PUBLIC SAFETY GRANTS TOTAL		**73,419**	**60,020**	**467,504**	**907,806**	**1,917,596**	**177,000**	**233,000**
PUBLIC SAFETY CFD (234)								
234-0113	SPECIAL PROPERTY TAX ASSESSMNT	221,659	281,535	320,021	375,429	593,816	430,000	449,900
PUBLIC SAFETY CFD TOTAL		**221,659**	**281,535**	**320,021**	**375,429**	**593,816**	**430,000**	**449,900**
COPS FUNDING/AB 3229 (236)								
236-0410	INVESTMENT EARNINGS	3,381	1,639	1,099	1,594	1,362	0	0
236-0526	STATE-COPS FUNDING AB3229	137,882	70,851	58,160	135,317	220,862	337,108	128,700
236-0582	PUBLIC SAFETY GRANT	0	0	0	0	0	0	0
COPS FUNDING/AB 3229 TOTAL		**141,263**	**72,490**	**59,259**	**136,911**	**222,224**	**337,108**	**128,700**
LOCAL LAW ENFORCE BLOCK GRANT (237)								
237-0410	INVESTMENT EARNINGS	0	0	0	0	0	0	0
237-0582	PUBLIC SAFETY GRANT	68,317	14,584	26,788	0	16,182	297,576	30,000
LOCAL LAW ENFORCE BLOCK GRANT TOTAL		**68,317**	**14,584**	**26,788**	**0**	**16,182**	**297,576**	**30,000**
CDBG TOTAL (240)		**844,371**	**690,444**	**891,905**	**1,107,569**	**720,216**	**698,000**	**663,100**
GENERAL PLAN (241)								
241-0410	INVESTMENT EARNINGS	14,715	8,263	3,542	1,640	0	1,000	1,000
241-0604	GENERAL PLAN FEE	77,100	53,100	66,000	22,500	24,600	22,500	22,500
GENERAL PLAN TOTAL		**91,815**	**61,363**	**69,542**	**24,140**	**24,600**	**23,500**	**23,500**
HOUSING AUTHORITY (244)								
244-0410	INVESTMENT EARNINGS	45	7	0	0	4	0	0
244-0590	GRANT REVENUE	0	8,308	150,965	0	0	0	0
HOUSING AUTHORITY TOTAL		**45**	**8,315**	**150,965**	**0**	**4**	**0**	**0**
CalHome Grant (245)								
245-0410	INVESTMENT EARNINGS	562	0	0	0	592	0	0
245-0590	CalHome Grant & Program Income	242,882	287,836	278,998	0	0	0	0
CalHome Grant Total		**243,444**	**287,836**	**278,998**	**0**	**592**	**0**	**0**

FUND	REVENUE TITLE	FY 2007-08 Actuals	FY 2008-09 Actuals	FY 2009-10 Actuals	FY 2010-11 Actuals	FY 2011-12 Actuals	FY 2012-13 3rd Qtr Update	FY 2013-14 Projections
HOME PROGRAM (246)								
246-0410	INVESTMENT EARNINGS	189	1,612	933	189	1,887	1,500	1,500
246-0590	H.O.M.E. PROGRAM GRANT	755,331	82,531	79,735		0	150,000	208,200
246-0591	H.O.M.E. PROGRAM INCOME	755,331	82,531	0	573,753	36	15,000	15,000
HOME PROGRAM TOTAL		**1,510,851**	**166,674**	**80,668**	**573,942**	**1,923**	**166,500**	**224,700**
NEIGHBORHOOD STABLIZ. (247)								
247-0410	INVESTMENT EARNINGS	0	0	0	0	0	1,500	0
247-0551	NSP ADMIN PROJECTS	0	0	278,303	118,190	24,591	20,000	115,000
247-0589	NSP PROGRAM INCOME				985,380	(257,366)	342,200	60,000
247-0552	NSP ACQUISITION PROJECTS	0	0	1,645,076	1,050,701	189,075	72,000	798,800
NSP TOTAL		**0**	**0**	**1,923,379**	**2,154,271**	**(43,700)**	**435,700**	**973,800**
SEWER & STORM DRAIN (254)								
254-0113	SPECIAL PROPERTY TAX ASSESSMNT	(2,393)	0	0	0	0	0	0
254-0410	INVESTMENT EARNINGS	22,665	22,739	12,452	14,109	24,760	20,000	20,000
254-0413	GASB31 FAIR MARKET VAL INCOME	0	5,069	0	0	8,618	0	0
254-0657	EMWD-BILLED STORM DRAIN MTNCE	340,982	377,197	323,648	367,019	444,045	503,800	504,000
254-0658	EMWD-BILLED SEWER MAINTENANCE	636,731	849,549	436,087	665,121	684,946	683,000	683,000
254-0659	LHMWD-BILLED STORM DRAIN MTNCE	63,345	66,286	81,337	156,679	10,526	300,514	192,000
254-0676	STREET SWEEPING FEES	15,900	2,800	20,600	11,100	400	0	0
254-0720	SEWER CONNECTION FEES	(10,999)	(13,733)	3,967	0	5,565	0	0
254-0721	UM: CITY SEWER/STORM MAINT	1,488,298	1,422,854	1,415,359	1,338,490	1,354,105	1,387,800	1,387,700
254-0725	UM: CITY COMM STORM MAINT	229,301	239,890	252,536	246,984	118,987	4,000	7,000
254-0790	OTHER REVENUE	64,708	0	5,353	1,122	343	0	0
254-0889	UNBILLED UTILITY ACCRUAL	(28,837)	4,238	3,261	354,192	16,916	0	0
SEWER & STORM DRAIN TOTAL		**2,819,701**	**2,976,889**	**2,554,600**	**3,154,816**	**2,669,212**	**2,899,114**	**2,793,700**
RDA LOW AND MOD HOUSING (291)								
291-0110	PROPERTY TAX-CURRENT SECURED	2,269,081	2,116,805	1,529,354	1,425,555	748,336	0	0
291-0118	SUPPLEMENTAL PROPERTY TAXES	165,634	58,084	(6,920)	29,237	0	0	0
291-0410	INVESTMENT EARNINGS	147,359	115,643	40,079	16,176	0	0	0
291-0412	INTEREST ON NOTE RECEIVABLE	0	0	0	0	0	0	0
291-0413	GASB31 FAIR MARKET VAL INCOME	38,761	25,779	2,735	0	0	0	0
291-0663	HAZARD ABATEMENT	0	385,877	3,913	0	0	0	0
291-0790	OTHER REVENUE	0	1,000	0	2,626	0	0	0
291-0791	PROGRAM ADMINISTRATION INC.	32,012	4,710	0	0	0	0	0
291-0995	LOAN PROCEEDS	0	0	0	0	0	0	0
RDA LOW AND MOD HOUSING TOTAL		**2,652,847**	**2,707,898**	**1,569,161**	**1,473,594**	**748,336**	**0**	**0**

FUND	REVENUE TITLE	FY 2007-08 Actuals	FY 2008-09 Actuals	FY 2009-10 Actuals	FY 2010-11 Actuals	FY 2011-12 Actuals	FY 2012-13 3rd Qtr Update	FY 2013-14 Projections
WST/DT/FARM RDA/LOW & MOD								
293-0110	PROPERTY TAX-CURRENT SECURED	169,268	179,710	160,517	146,074	31,422	0	0
293-0118	SUPPLEMENTAL PROPERTY TAXES	16,149	3,888	2,999	0	259	0	0
293-0410	INVESTMENT EARNINGS	1,574	2,437	2,052	2,710	0	0	0
WST/DT/FARM RDA/LOW & MOD		**186,991**	**186,035**	**165,568**	**148,784**	**31,681**	**0**	**0**
COMBINED COMMERCIAL/LOW & MOD (295)								
295-0110	PROPERTY TAX-CURRENT SECURED	326,703	449,004	534,480	507,328	218,346	0	0
295-0118	SUPPLEMENTAL PROPERTY TAXES	34,834	39,278	46,903	0	(3,754)	0	0
295-0410	INVESTMENT EARNINGS	36,510	31,359	22,046	16,354	0	0	0
295-0413	GASB31 FAIR MARKET VAL INCOME	9,604	6,991	0	0	0	0	0
COMBINED COMMERCIAL/LOW & MOD TOTAL		**407,651**	**526,632**	**603,429**	**523,682**	**214,591**	**0**	**0**
HEMET REDEVELOPMENT (491)								
491-0110	PROPERTY TAX-CURRENT SECURED	4,251,377	3,964,619	2,839,421	2,677,008	3,741,679	0	0
491-0118	SUPPLEMENTAL PROPERTY TAXES	308,491	102,171	(14,040)	49,553	0	0	0
491-0410	INVESTMENT EARNINGS	105,406	203,382	239,934	197,996	0	0	0
491-0411	FISCAL AGENT INTEREST EARNINGS	44,395	14,554	54	26	0	0	0
491-0413	GASB31 FAIR MARKET VAL INCOME	27,726	16,668	0	0	0	0	0
HEMET REDEVELOPMENT TOTAL		**4,737,395**	**4,301,394**	**3,065,369**	**2,924,583**	**3,741,679**	**0**	**0**
WEST/DOWNTN/FARM RDA								
494-0110	PROPERTY TAX-CURRENT SECURED	514,933	548,055	421,079	370,185	99,035	0	0
494-0118	SUPPLEMENTAL PROPERTY TAXES	51,876	12,102	6,189	0	(613)	0	0
494-0410	INVESTMENT EARNINGS	16,644	13,916	9,457	9,589	0	0	0
HEMET FARMERS FAIR RDA TOTAL		**583,453**	**574,073**	**436,725**	**379,774**	**98,422**	**0**	**0**
COMBINED COMMERCIAL RDA (495)								
495-0110	PROPERTY TAX-CURRENT SECURED	980,110	1,032,755	1,250,105	901,743	939,423	0	0
495-0118	SUPPLEMENTAL PROPERTY TAXES	104,504	30,470	140,721	0	(11,478)	0	0
495-0410	INVESTMENT EARNINGS	41,419	45,181	24,683	21,480	0	0	0
495-0413	GASB31 FAIR MARKET VAL INCOME	0	7,415	0	0	0	0	0
COMBINED COMMERCIAL RDA TOTAL		**1,126,033**	**1,115,821**	**1,415,509**	**923,223**	**927,946**	**0**	**0**
PUBLIC MEETING FACILITIES (315)								
315-0410	INVESTMENT EARNINGS	16,413	10,563	5,271	4,566	4,579	2,000	2,000
315-0681	PUBLIC MEETING FACILITES FEES	1,240	0	0	0	0	0	0
PUBLIC MEETING FACILITIES TOTAL		**17,653**	**10,563**	**5,271**	**4,566**	**4,579**	**2,000**	**2,000**

FUND	REVENUE TITLE	FY 2007-08 Actuals	FY 2008-09 Actuals	FY 2009-10 Actuals	FY 2010-11 Actuals	FY 2011-12 Actuals	FY 2012-13 3rd Qtr Update	FY 2013-14 Projections
GENERAL FACILITIES (316)								
316-0410	INVESTMENT EARNINGS	27,152	19,606	12,162	8,367	11,561	5,000	5,000
316-0413	GASB31 FAIR MARKET VAL INCOME	0	4,370	0	0	4,024	0	0
316-0425	RENTS/OTHER	24,845	25,956	29,120	26,940	17,561	25,000	25,000
316-0685	GENERAL FACILITIES FEE	218,551	136,379	182,285	59,322	57,964	60,000	60,000
GENERAL FACILITIES TOTAL		**270,548**	**186,311**	**223,567**	**94,629**	**91,110**	**90,000**	**90,000**
FLOOD CONTROL (326)								
326-0410	INVESTMENT EARNINGS	156,715	84,647	44,868	23,766	28,191	40,000	40,000
326-0413	GASB31 FAIR MARKET VAL INCOME	34,698	18,869	0	0	9,812	0	0
326-0620	STORM DRAINAGE FACILITIES FEE	412,052	248,567	310,517	3,223	(1,111,485)	126,000	126,000
326-0621	RETENTION BASIN FEE	124,488	64,049	99,621	18,219	13,500	50,000	50,000
326-0790	OTHER REVENUE	409,782	0	0	0	988	0	0
FLOOD CONTROL TOTAL		**1,137,735**	**416,132**	**455,006**	**45,208**	**(1,058,995)**	**216,000**	**216,000**
BRIDGES/STREETS/TRAFFIC FAC, (329)								
329-0410	INVESTMENT EARNINGS	57,164	53,172	52,130	35,246	47,568	35,000	35,000
329-0413	GASB31 FAIR MARKET VAL INCOME	15,037	11,853	0	0	16,557	0	0
329-0504	SB 821 BICYCLE/PEDESTRIAN	89,500	0	0	0	0	0	0
329-0586	STATE TRANSPORTATION	1,153,326	1,065,991	0	0	0	0	0
329-0692	BRIDGES/STREETS/TRAFFIC FACILITY FEES	960,667	303,604	783,021	249	199,189	326,000	326,000
329-0790	OTHER REVENUE	959,139	1,490,058	1,428,743	1,085,369	714,651		
BRIDGES/STREETS/TRAFFIC FAC TOTAL		**3,234,833**	**2,924,678**	**2,263,894**	**1,120,864**	**977,965**	**361,000**	**361,000**
LAW ENFORCEMENT FACILITIES (331)								
331-0410	INVESTMENT EARNINGS	8,982	6,816	4,393	3,982	4,221	500	500
331-0682	LAW ENFORCEMENT FACILITIES FEE	142,816	89,064	133,676	36,904	35,008	46,000	46,000
LAW ENFORCEMENT FACILITIES TOTAL		**151,798**	**95,880**	**138,069**	**40,886**	**39,229**	**46,500**	**46,500**
FIRE FACILITIES (332)								
332-0410	INVESTMENT EARNINGS	63,391	70,663	38,219	23,623	30,917	20,000	20,000
332-0413	GASB31 FAIR MARKET VAL INCOME	16,674	15,752	0	0	10,761	0	0
332-0683	FIRE FACILTIES FEES	170,449	103,370	155,034	43,700	41,608	50,000	50,000
332-0790	OTHER REVENUE	351,203	1,198	0	0	0	0	0
FIRE FACILITIES TOTAL		**601,717**	**190,983**	**193,253**	**67,323**	**83,287**	**70,000**	**70,000**

PARK DEVELOPMENT (361)

FUND	REVENUE TITLE	FY 2007-08 Actuals	FY 2008-09 Actuals	FY 2009-10 Actuals	FY 2010-11 Actuals	FY 2011-12 Actuals	FY 2012-13 3rd Qtr Update	FY 2013-14 Projections
361-0410	INVESTMENT EARNINGS	33,533	18,365	11,288	6,215	7,414	7,000	7,000
361-0413	GASB31 FAIR MARKET VAL INCOME	8,821	0	0	0	0	0	0
361-0563	STATE DEPT OF PARKS/REC GRANT	164,780	240,010	0	0	0	0	0
361-0670	PARK/RECREATION FACILITIES FEE	347,924	253,180	306,270	108,975	108,000	110,000	110,000
361-0790	OTHER REVENUE	0	0	1,508	0	0	0	0
PARK DEVELOPMENT TOTAL		**555,058**	**511,555**	**319,066**	**115,190**	**115,414**	**117,000**	**117,000**
VALLEY WIDE DVL PARK (362)								
362-0410	INVESTMENT EARNINGS	2,602	2,581	1,868	1,928	2,085	500	500
362-0670	PARK/RECREATION FACILITIES FEE	63,711	49,451	59,660	21,225	21,040	20,000	20,000
VALLEY WIDE DVL PARK TOTAL		**66,313**	**52,032**	**61,528**	**23,153**	**23,125**	**20,500**	**20,500**
LIBRARY FACILITIES (363)								
363-0410	INVESTMENT EARNINGS	46,041	27,440	14,992	8,583	10,705	8,000	8,000
363-0413	GASB31 FAIR MARKET VAL INCOME	12,111	6,117		0	3,726	0	0
363-0744	DONATION			50,000	0	0	0	0
363-0686	LIBRARY FACILTIES FEES	184,617	128,128	154,940	55,125	54,640	60,000	60,000
LIBRARY FACILITIES TOTAL		**242,769**	**161,685**	**219,932**	**63,708**	**69,071**	**68,000**	**68,000**
INTEGRATED WASTE MANAGEMENT (553)								
553-0410	INTEREST EARNINGS	61,150	1,320	12,595	7,989	26,685	20,000	20,000
553-0454	MISCELLANEOUS RECYCLABLES	47,734	50,979	28,915	8,257	44,754	0	0
553-0455	RECYCLING COMMODITIES	70,008	35,641	69,450	160,071	46,467	0	0
553-0457	REFUSE - HAZARDOUS WASTE	0	39,853	82,533	8,860	3,700	0	0
553-0458	REFUSE-OTHER CODE CASES	0	27,662	66,728	25,996	17,579	0	0
553-0575	GRANT:USED OIL BLOCK GRANT	0	20,933	25,185	50,514	16,148	0	0
553-0658	EMWD-BILLED REFUSE SERVICE	1,827,807	1,719,537	2,126,253	1,966,719	802,574	0	0
553-0659	LHMWD-BILLED REFUSE SERVICE	685,227	685,947	641,563	601,033	252,858	0	0
553-0672	REFUSE CONTAINER ACQUISITION	10,400	1,560	2,400	520	0	0	0
553-0673	REFUSE CART ACQUISITION	9,558	8,113	12,186	8,662	590	0	0
553-0674	OTHER REFUSE: UM & PREPAID	42,253	258,756	46,512	43,886	20,220	0	0
553-0675	PREPAID CONTAINER SERVICES	82,652	63,978	57,751	87,974	36,975	0	0
553-0679	PREPAID ROLLOFF SERVICES	131,923	64,154	59,243	25,593	10,971	0	0
553-0688	SOLID WASTE FACILITIES FEES	18,702	9,891	15,545	4,156	3,074	0	0
553-0710	UM: RESIDENTIAL REFUSE	2,663,335	2,578,753	2,552,048	2,469,139	1,276,019	0	0
553-0711	UM: COMMERCIAL REFUSE	4,761,197	4,602,405	4,259,179	3,902,078	1,885,535	0	0
553-0712	UM: ROLLOFF REFUSE	1,170,349	770,897	728,008	708,185	361,968	0	0
553-0790	OTHER REVENUE	17,000	56,922	7,758	(2,940)	51,333	88,000	88,000

FUND	REVENUE TITLE	FY 2007-08 Actuals	FY 2008-09 Actuals	FY 2009-10 Actuals	FY 2010-11 Actuals	FY 2011-12 Actuals	FY 2012-13 3rd Qtr Update	FY 2013-14 Projections
553-0889	UNBILLED UTILITY ACCRUAL	(136,921)	61,729	(84,590)	0	(603,406)	0	0
553-0945	CONTRIBUTED CAPITAL	0	0	0	0	0	0	0
INTEGRATED WASTE MANAGEMENT TOTAL		**11,462,374**	**11,059,030**	**10,709,262**	**10,076,692**	**4,254,043**	**108,000**	**108,000**
PUBLIC WATER UTILITY (571)								
571-0410	INTEREST EARNINGS	168,787	95,606	72,555	47,522	116,795	100,000	100,000
571-0411	FISCAL AGENT INTEREST EARNINGS	1,086	291	0	0	0	0	0
571-0413	GASB31 FAIR MARKET VAL INCOME	45,526	27,940	0	0	30,252	0	0
571-0576	State Grants	11,478	0	35,378	0	0	0	0
571-0678	WATER FACILITIES FEES	17,673	4,200	30,595	1,603	486	1,480	1,500
571-0730	UM: BACKFLOW FEE	57,936	56,962	72,012	52,475	57,620	66,300	66,300
571-0790	OTHER REVENUE	55,098	36,161	129,979	44,050	16,040	20,000	20,000
571-0805	PREPAID WATER SERVICES	103,060	114,825	126,305	113,361	102,223	88,400	88,400
571-0820	UM: WATER CONSUMPTION CHARGES	4,603,592	4,490,234	4,223,953	4,040,448	4,140,354	4,450,000	4,450,000
571-0821	UM: WATER BASE CHARGES	2,460,696	2,627,177	2,620,999	2,482,733	2,584,402	2,580,000	2,580,000
571-0825	UM: OTHER WATER CHARGES	116,856	26,333	115,575	102,846	109,485	116,800	116,000
571-0835	UM: UNAPPLIED CREDIT	65,491	109,905	141,910	475,350	405,341	270,000	270,000
571-0886	COLLECTION AGENCY RECEIPTS	10,181	10,466	18,112	30,048	22,071	21,000	21,000
571-0889	UNBILLED UTILITY ACCRUAL	(127,311)	20,673	24,020	60,225	290,685	150,000	150,000
PUBLIC WATER UTILITY TOTAL		**7,590,149**	**7,620,773**	**7,611,393**	**7,450,661**	**7,875,753**	**7,863,980**	**7,863,200**
ADMINISTRATIVE SERVICES (680)								
680-0787	CITY ATTORNEY ALLOCATION	0	0	852,096	1,489,872	1,252,092	1,000,000	1,100,000
680-0789	EMERGENCY SERVICES ALLOCATION	74,820	106,344	0	0	50,004	50,000	82,200
680-0792	INFORMATION TECHNOLOGY ALLOCATION	949,608	731,568	757,728	855,804	860,204	1,228,000	1,190,300
680-0798	POOL CAR ALLOCATION	15,492	9,576	0	0	0	0	0
680-0945	CONTRIBUTED CAPITAL	0	0	0	0	0	0	0
680-0960	RESIDUAL EQUITY TRANSFER	0	0	0	0	250,838	0	0
ADMINISTRATIVE SERVICES TOTAL		**1,039,920**	**847,488**	**1,609,824**	**2,345,676**	**2,413,138**	**2,278,000**	**2,372,500**
WORKERS COMPENSATION ADMIN (681)								
681-0780	WORKERS COMPENSATION REFUNDS	0	351	41,487	0	0	0	0
681-0790	OTHER REVENUE	204,583	31,173	3,638	0	0	0	0
681-0795	DUE FROM OTHER FUNDS	220,716	1,775,430	1,566,451	1,292,295	1,362,183	883,700	987,100
WORKERS COMPENSATION TOTAL		**425,299**	**1,806,954**	**1,611,576**	**1,292,295**	**1,362,183**	**883,700**	**987,100**

FUND	REVENUE TITLE	FY 2007-08 Actuals	FY 2008-09 Actuals	FY 2009-10 Actuals	FY 2010-11 Actuals	FY 2011-12 Actuals	FY 2012-13 3rd Qtr Update	FY 2013-14 Projections
DENTAL & VISION INSURANCE (682)								
682-0790	OTHER REVENUE	2,232	1,375	217	0	0	0	0
682-0795	DUE FROM OTHER FUNDS	2,598,755	2,434,723	380,199	369,899	310,751	310,000	310,000
DENTAL & VISION INSURANCE TOTAL		**2,600,987**	**2,436,098**	**380,416**	**369,899**	**310,751**	**310,000**	**310,000**
LIABILITY INSURANCE (683)								
683-0790	OTHER REVENUE/REIMBURSE	26,807	856	0	601,217	461	0	0
683-0795	DUE FROM OTHER FUNDS	3,106,224	2,104,656	640,620	842,904	893,000	828,500	837,100
LIABILITY INSURANCE TOTAL		**3,133,031**	**2,105,512**	**640,620**	**1,444,121**	**893,461**	**828,500**	**837,100**
VEHICLE MAINTENANCE (684)								
684-0790	OTHER REVENUE	58,787	6	1,703	9,400	0	0	0
684-0791	CENTRAL GARAGE ALLOCATION	2,037,372	1,734,816	1,593,192	1,545,000	1,597,464	1,504,800	1,533,100
VEHICLE MAINTENANCE TOTAL		**2,096,159**	**1,734,822**	**1,594,895**	**1,554,400**	**1,597,464**	**1,504,800**	**1,533,100**
EQUIPMENT REPLACEMENT (380)								
380-0410	INVESTMENT EARNINGS	111,406	83,503	51,772	37,006	43,679	25,000	25,000
380-0413	GASB31 FAIR MARKET VAL INCOME	29,304	18,614	0	0	15,203	0	0
380-0701	SALE OF REAL PROPERTY	32,699	11,350	0	11,385	0	0	0
380-0758	DUE FROM OTHER FUNDS	353,712	340,560	1,029,960	741,120	383,823	225,100	340,600
380-0790	OTHER REVENUE	673,797	59,808	28,313	2,247	0	0	0
EQUIPMENT REPLACEMENT TOTAL		**1,200,918**	**513,835**	**1,110,045**	**791,758**	**442,705**	**250,100**	**365,600**
FACILITY MAINTENANCE (685)								
685-0596	EECBG GRANT				16,440	400,587		
685-0788	FACILITY MAINTENANCE ALLOCATIO	2,300,256	1,556,362	1,751,605	1,754,031	1,765,603	1,606,800	1,849,000
FACILITY MAINTENANCE TOTAL		**2,300,256**	**1,556,362**	**1,751,605**	**1,770,471**	**2,166,190**	**1,606,800**	**1,849,000**
PW ADMINISTRATION (686)								
686-0793	CORP YARD ADMIN SERVICES	2,056,092	1,717,560	1,597,704	1,873,200	1,432,896	618,100	788,800
PW ADMINISTRATION TOTAL		**2,056,092**	**1,717,560**	**1,597,704**	**1,873,200**	**1,432,896**	**618,100**	**788,800**
OPEB (687 & 689)								
689-0795	DUE FROM OTHER FUNDS	50,004	50,004	2,184,128	3,291,812	3,498,504	2,983,800	3,360,000
OPEB TOTAL		**50,004**	**50,004**	**2,184,128**	**3,291,812**	**3,498,504**	**2,983,800**	**3,360,000**

FUND	REVENUE TITLE	FY 2007-08 Actuals	FY 2008-09 Actuals	FY 2009-10 Actuals	FY 2010-11 Actuals	FY 2011-12 Actuals	FY 2012-13 3rd Qtr Update	FY 2013-14 Projections
UNEMPLOYMENT								
690-0795	DUE FROM OTHER FUNDS	0	0	0	0	0	73,000	73,000
UNEMPLOYMENT TOTAL		**0**	**0**	**0**	**0**	**0**	**73,000**	**73,000**
HEARTLAND 1999-1 CFD (786)								
786-0113	SPECIAL PROPERTY TAX ASSESSMNT	0	0	0	0	0	0	0
786-0411	FISCAL AGENT INTEREST EARNINGS	0	0	0	0	0	0	0
HEARTLAND 1999-1 CFD TOTAL		**0**	**0**	**0**	**0**	**0**	**0**	**0**
HEARTLAND 2002B CFD (787)								
787-0113	SPECIAL PROPERTY TAX ASSESSMNT	0	0	0	0	0	0	0
787-0411	FISCAL AGENT INTEREST EARNINGS	0	0	0	0	0	0	0
787-0790	OTHER REVENUE	0	0	0	0	0	0	0
HEARTLAND 2002B CFD TOTAL		**0**	**0**	**0**	**0**	**0**	**0**	**0**
HEARTLAND 2006 REFUNDING (788)								
788-0113	SPECIAL PROPERTY TAX ASSESSMNT	1,476,625	1,394,344	1,237,566	1,360,641	1,103,993	1,190,000	1,190,000
788-0410	INVESTMENT EARNINGS	3,102	3,080	1,018	2,204	0	3,000	3,000
788-0411	FISCAL AGENT INTEREST EARNINGS	36,589	9,713	0	25	0	2,000	2,000
788-0905	BOND PROCEEDS	0	0	0	0	0	0	0
788-0960	RESIDUAL EQUITY TRANSFER	0	0	0	0	0	0	0
HEARTLAND 2006 REFUNDING TOTAL		**1,516,316**	**1,407,137**	**1,238,584**	**1,362,870**	**1,103,993**	**1,195,000**	**1,195,000**
GRAND TOTAL ALL FUNDS		**103,237,583**	**93,721,022**	**86,350,620**	**88,353,122**	**89,743,311**	**68,073,871**	**69,030,305**

City of Hemet
FY 2013-2014 Appropriations Limit

Article XIIIB of the California Constitution (enacted with the passage of *Proposition 4* in 1979 and modified with the passage of *Proposition 111* in 1990) restricts the appropriations growth rate for cities and other local jurisdictions. The growth rate is tied to changes in the population and the change in *California Per Capita Personal Income*. On May 1, 2013 the State Department of Finance notified each city of the population changes and per capita personal income factor to be used in determining appropriation limits. Effective January 1, 2013, the change in the *California Per Capita Personal Income* is 3.05% and the change in the City of Hemet's population is .68%. Attached is the City's calculation for the permitted appropriations growth rate based on the above information from the State.

In accordance with state law, the FY 1986-87 appropriation limit is to be used as the base year in calculating annual appropriation limits thereafter. The City of Hemet's FY 2013-2014 Appropriation Limit is 1.00682 times the prior year limit of $84,281,951 which equals $84,856,918.

Total appropriations for FY 2013-2014, subject to the limitation (see attached) equal $39,064,600 which is $45,792,318 below the City's FY 2013-2014 Appropriations limit of $84,856,918.

CITY OF HEMET
13/14 EXPENDITURE LIMITATION
CALCULATION

Exhibit B-2

	Preliminary 2013/2014	
All funds Budgeted Expenditures 13/14	75,079,029	
Less:		
Fee Supported:		
Fund 225/LLMD	-1,974,400	est
Fund 227/Post Prop-218 Lighting Dist	-206,500	est
Fund 228/Post Prop-218 Landscape Dist	-1,459,800	est
Fund 254/Sewer	-2,560,100	
Fund 553/Refuse	-251,600	
Fund 571/Water	-11,211,800	
Rev - General User Fees (110-0601 - 110-0790)	-2,066,200	
Rev - Licenses & Permits (fund 110 & 120)	-1,154,700	
Rev - Fines & Forfeits	-363,200	
Rev - Literacy Grants	0	
Internal Service Funds:		
Fund 680/Internal Service	-2,811,300	
Fund 681/Worker's Comp	-1,651,300	
Fund 682/Medical Insurance	-365,000	
Fund 683/Liability Insurance	-854,000	
Fund 684/Vehicle Maintenance	-1,553,500	
Fund 685/Facility Maintenance	-1,793,200	
Fund 686/PW Admin	-755,800	
Fund 687/ Dental/Vision	0	
Fund 689/ Retiree Medical	-3,360,000	
Fund 690/ Unemployment Benefits	-73,000	
Debt Service:		
All 400 Funds	0	
Heartland 2006 Refunding	-930,900	
Grants:		
Fund 240/CDBG	-663,136	
Major Captial (over $100,000)	-192,500	
Expenditures Subject to Limit	39,064,600	
2013/14 Gann Expenditure Limit	84,856,918	
PY limit of $84281951 X PIT/Population Growth of 1.00682194475%		
Variance Below Gann Limit	45,792,318	