



# AGENDA

## REGULAR MEETING OF THE HEMET CITY COUNCIL

July 9, 2013

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6:00 p.m.

City of Hemet Council Chambers

450 E. Latham Avenue

[www.cityofhemet.org](http://www.cityofhemet.org)

*Please silence all cell phones*

*\*Notice: Members of the Public attending shall comply with the Council's adopted Rules of Decorum in Resolution No. 4545. A copy of the Rules of Decorum are available from the City Clerk.*

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### Call to Order

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### Roll Call

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

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### 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 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 (HPOA)*

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### REGULAR SESSION

7:00 p.m.

City of Hemet City Council Chambers

450 E. Latham Avenue

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### Call to Order

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## **Roll Call**

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

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## **Invocation**

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## **Pledge of Allegiance**

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## **City Attorney Closed Session Report**

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 (HPOA)*
- 

## **Presentation**

3. Moment of Silence for Fallen Fire Fighters
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## **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**

4. **Approval of Minutes** – June 11, 2013
5. **Receive and File** – Warrant Register
  - a. Warrant register dated June 27, 2013. Payroll for the period of May 27, 2013 to June 9, 2013 was \$578,752.72 and June 10, 2013 to June 23, 2013 was \$568,825.89.

6. **Recommendation by Engineering** – Installation of Banners across Florida Avenue
    - a. Valley-Wide Recreation & Park District – Docent Recruitment
    - b. United Methodist Church – Summer Concert, July 26, 2013
    - c. Ramona Bowl – Zorro Play, August 10<sup>th</sup>, 17<sup>th</sup> & 24<sup>th</sup>
    - d. Ramona Bowl – Summer Concerts, July 11<sup>th</sup>, 18<sup>th</sup>, & 25<sup>th</sup> and August 1<sup>st</sup>
  
  7. **Recommendation by Community Development** - Municipal Code Amendment 13-004 pertaining to the Issuance of Administrative Citations
    - a. Adopt 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**
  
  8. **Recommendation by Community Development** - Municipal Code Amendment 13-005 pertaining to the Declaration and Abatement of Public Nuisance Conditions
    - a. Adopt 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  
**Ordinance Bill No. 13-030**
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## **Successor Agency Consent Calendar**

9. **Recommendation by Community Investment** – Authorization for Contract Amendment with RSG Inc., for Successor Agency Professional Services
    - a. Authorize the Interim City Manager to execute a contract amendment with RSG, Inc. to authorize additional spending beyond the Interim City Manager’s spending authority for work required to be undertaken by the Successor Agency to the dissolved Hemet Redevelopment Agency pursuant to AB 1X 26 in the amount of \$25,000.
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## **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.

10. **Zoning Ordinance Amendment (ZOA) No. 13-005 – Big Box Retail Conversion** – Community Development Director Elliano
  - a. Conduct a public hearing; and

- b. Introduce, read by title only and waive further reading on an ordinance modifying Chapter 90, amending Article XXVI of the Hemet Municipal Code, requiring a Conditional Use Permit and adding regulations for the conversion of large retail commercial buildings to other uses; **Ordinance Bill No. 13-027** and
  - c. Direct staff to file a Notice of Exemption with the County Clerk in compliance with the California Environmental Quality Act.
11. **Engineer’s Reports and levy and collection of assessments for the existing Hemet Streetlight and Landscape Maintenance Districts for Fiscal Year 2013-2014** – Deputy City Manager/Administrative Services Director
- a. Conduct a public hearing; and
  - b. Adopt a resolution ordering the levy and collection of assessment for the existing Streetlight Maintenance District for fiscal year 2013-2-14 **Resolution Bill No. 13-032**; and
  - c. Adopt a resolution amending and/or approving the annual Engineer’s Report for the existing Streetlight Maintenance District **Resolution Bill No. 13-033**; and
  - d. Adopt a resolution ordering the levy and collection of assessment for the existing Landscape Maintenance District for fiscal year 2013-2-14 **Resolution Bill No. 13-034**; and
  - e. Adopt a resolution amending and/or approving the annual Engineer’s Report for the existing Landscape Maintenance District. **Resolution Bill No. 13-035**
12. **Updating the Fine Schedule and Fees for Administrative Citations** – Community Development Director Elliano
- a. Conduct a public hearing; and
  - b. Adopt a resolution amending the Administrative Fine Schedule for Violation of the Hemet Municipal Code. **Resolution Bill No. 13-036**
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## **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.

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# City Council Reports

## 13. 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
1. Indian Gaming Distribution Fund
2. Riverside County Habitat Conservation Agency (RCHCA)
3. 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
2. Award of Grant to Police Department from Soboba Band of Luiseno Indians
3. Award of Grant from RCTC for Sidewalk Improvements
4. School Resource Officer Agreement with Hemet Unified School District

5. Hemet Valley Mall Police Sub-Station
  6. San Jacinto's 4<sup>th</sup> of July Parade
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## **Continued Closed Session**

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### **City Attorney Continued Closed Session Report**

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#### **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.

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#### **Adjournment**

Adjourn to Tuesday, July 23, 2013 at 7:00 p.m. for consideration of items placed on that agenda. The next regular meeting will be held August 13, 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.*



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# MINUTES

## REGULAR MEETING OF THE HEMET CITY COUNCIL

### JUNE 11, 2013

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5:00 p.m.

City of Hemet Council Chambers  
450 E. Latham Avenue

[www.cityofhemet.org](http://www.cityofhemet.org)  
*Please silence all cell phones*

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### Call to Order

Mayor Youssef called the meeting to order at 5:07 p.m.

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### Roll Call

PRESENT: Council Members Krupa, Milne, Wright and Mayor Youssef

ABSENT: Mayor Pro Tem Smith

**Council Member Krupa moved and Council Member Wright seconded a motion to excuse Mayor Pro Tem Smith. Motion carried 4-0.**

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### Work Study

*Discussion regarding these items, with possible direction to staff*

1. Crime Stoppers Plus Presentation – Bob Duistermars, Central County United Way

**Bob Duistermars and Alan Borders**, Crime Stoppers Plus is actively engaging the community in discussions about community safety. The program advocates and supports Neighborhood Watch programs throughout Hemet, working cooperatively with Hemet Police Department and existing Neighborhood Watch programs. Crime Stoppers is encouraging participation and training as a means to encourage the growth and effectiveness of these programs. Crime Stoppers is also meeting with new groups who have an interest in neighborhood watch to help them organize, train and implement their programs. In addition to crime suppression "observe and report" techniques, these groups are also being given basic information on disaster preparedness requirements and encouraged to attend one of the CERT training events provided by Hemet Fire Department. Crime Stoppers Plus also provides the community with the ability to make anonymous tips directly to the law enforcement agencies through a toll free phone service, an online tip service is also available on our website and facebook page. Additionally, Crime Stoppers Plus sells the Data Dot Identification System that allows users to mark their property with uniquely numbered and registered microscopic dots that allow law enforcement to identify stolen or lost property.

**The City Council thanked Central County United Way for the presentation.**

2. Legislative Update – Erin Sasse, League of California Cities

**Erin Sasse**, gave the City Council a legislative update.

Bills Failing Passage

**AB 5** (Ammiano) Homeless Person's Bill of Rights and Fairness Act

**SB 673** (DeSoulmier) This bill would have undermined local land authority and further restricted economic development.

**AB 473** (Ammiano) This bill would have established a statewide regulatory structure for medical marijuana dispensaries that would be run by the Department of Alcoholic Beverage Control.

Positive Bills for Cities now is Second House

**AB 440** (Gatto) Authorizes cities, counties and housing authorities to use the brownfield remediation tools previously granted to Redevelopment Agencies.

**AB 564** (Mullin) This bill provides certainty to Successor Agencies when a finding of completion from the Department of Finance is issued.

**AB 1080** (Alejo) First step to affording local governments with a return of a narrowed form of redevelopment authority.

**SB 33** (Wolk) Provides major clarifications and improvements to infrastructure Financing District Law.

**SB 64** (Corbett) Requires the California Energy Commission to develop and administer a program to provide financial assistance to school districts, cities and counties for energy efficiency and clean technology.

**SB 391** (DeSaulnier) Generates \$500 million annually for affordable housing needs through a \$75 recordation fee on real estate transactions with the exception of home sales.

Negative Bills for Cities now in Second House

**AB 325** (Alejo) Expands the statute of limitations to sue a city or county over a self-certified housing element, the implementation of the housing element, the adoption of a density bonus ordinance, and other local government decisions related to housing.

**AB 562** (Williams) Imposes many costly and burdensome mandates on local governments to track and maintain comprehensive data on any expenditure or loss of revenue for economic development purposes valued more than \$100,000.

**AB 667** (Hernandez) Requires an exhausted economic impact report to be prepared for a narrow set of projects "superstores" in "economic assistance areas".

**SB 7** (Steinberg) Requires charter cities that received public funds to comply with prevailing wages requirements.

**SB 311** (Padilla) Restricts a cities' ability to govern effectively and efficiently by restricting charter amendments and proposed charter to statewide general elections.

**SB 731** (Steinberg) California Environmental Quality Act and sustainable communities strategy. The Leagues working group will meet on June 12, 2013 to make a recommendation for policy committees.

**SB 56** Public Safety Realignment: Prisoner swap; Flash Incarceration; Front line Law Enforcement Grants \$27.5 million next year

**AB 986** (Bradford) This bill would permit flash incarceration in a city jail pursuant to the existing provisions.

There are several bills trying to make changes to AB 109. League Policy Committees are meeting next week. The next Division meeting is July 8, 2013 at Morongo.

**Mayor Youssef**, asked if there are any bills competing with the Successor Agency bills.

**Ms. Sasse**, not at this time, however, there are efforts that will make it harder for cities. Efforts to eliminate or reform Enterprise Zones are being discussed. There are recommendations for Economic Development tools. Ms. Sasse recommended that City Council members encourage their community and residents to voice their opinion. There is not a strong desire to help cities, they will continue to take away as much as they can.

**Council Member Milne**, expressed concern with legislation allowing same sex bathrooms in public schools.

**Ms. Sasse**, is not familiar with any legislation to allow that but will look into it.

**Mayor Youssef**, thanked Ms. Sasse for the update.

3. Proposed Comprehensive Plan for the West Hemet MSHCP Criteria Cells - Deanna Elliano, Community Development Director

**Scott Miller, Vice Chair of RCA**, Hemet's western corridor is a complex region and the Regional Conservation Authority (RCA) is making it a priority. There are a number of issues with the region.

**Deanna Elliano**, gave the City Council a brief overview of Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) proposed Comprehensive Plan for the West Hemet Vernal Pool Complex. The MSHCP was adopted by the County of Riverside and member cities in 2003. Western Riverside County is required to have 500,000 acres for open space preserve. 153,000 acres are to be acquired and conserved within "Criteria Cells" in exchange for streamlined environmental clearance for roads, infrastructure and development projects. Maps were displayed showing the following: MSHCP plan map of the Hemet Vernal Pool Area; Harvest Valley/Winchester area plan map of the Hemet Vernal Pool subarea 2; San Jacinto Valley area plan of the Hemet Vernal Pool subarea 4; and the Hemet Area MSHCP Cell Groups. Subarea 4 which is located in the City of Hemet includes 979.9 acres. Subarea 2 which is located in the unincorporated area includes 659.9 acres for a total of 1639.8 acres. Overall target amount is approximately 1,200 + acres. 400 acres are publically owned. Pictures were displayed of a Vernal Pool Habitat and a Fairy Shrimp. The current process and challenges are the difficulty in land acquisition/assembly due to the limited funding. The HANS Process has been a piecemeal approach, processing has been done by property owners with individual applications. Acquisition of non-developable properties has taken long periods of time. There are scattered vernal pool sites of uneven quality. The goal is to make larger areas instead of numerous small areas that must be maintained. The lack of certainty for property owners, they need to know what can be developed and if they will be compensated for the property that can't be. Previously, the proposed criteria refinement required replacement property to be like for like. This has been difficult due to drainage issues. The economic challenges have affected both the City and the private development. Previously there has been a lack of support from the Wildlife Agencies. The core habitat reserve must be linked to the drainage plan to ensure hydration of the pools. The comprehensive master-planned approach to identify the core reserve area and remaining development envelope. This approach is a collaborative effort between: City of Hemet; RCA; Wildlife agencies; property owners; developers and the County of Riverside. The "Master HANS" will only have one application for the entire area. This plan will include a master drainage plan. The plan will reconnect the drainage patterns and optimum flow rates to the pools. This plan will allow surrounding development to move forward. It will develop an equitable and more timely funding/acquisition program, including a Mitigation Bank for removal of off-site habitat. This approach will build upon the core of publically-owned land in the area and increase overall certainty and clarity of the process. A map showing the publically owned habitat was displayed. The proposed development needs direction on drainage issues and isolated habitat areas. The City is embarking on the Master Drainage Plan for West Hemet which will need to be addressed in the Draft EIR. The City's General Plan is complete and the underlying land uses have been identified. We have recently had positive meetings with RCA, U.S. Fish and

Wildlife and California Fish and Wildlife to find solutions. The recent release of SR 79 and Hemet Ryan Airport environmental data and willingness to use existing data is advantageous to the City of Hemet. These reports and data gathering will not have to be redone. There might be additional reports required. The next steps include: Phase I – Feasibility analysis and property owner outreach; Phase II – Prepare and Process Master HANS application through RCA’s Joint Project Review; and Phase III – Implementation. It is recommended that the City Council give staff direction to: Allocate significant staff time to explore & develop this concept; Authorize staff to prepare conceptual reserve/development areas with RCA staff; Conduct workshops/meetings with local property owners to get feedback and participation; Coordinate with Master Drainage Plan work effort; and Consider in budget process an allocation of \$20,000 for technical biological assistance and in developing a funding strategy.

**Council Member Milne**, asked if providing the Master Drainage Plan for property owners in the unincorporated areas is considered a gift of public funds. Council Member Milne asked if the County of Riverside will reimburse the City for work provided for them.

**Ms. Elliano**, confirmed that the services provided that will benefit the unincorporated area will be paid for by the County of Riverside.

**Council Member Wright**, questioned the amount necessary to provide biological and/or technical assistance.

**Ms. Elliano**, that is mostly to pay for City and RCA’s staff time. Once we know what technical assistance will be needed, staff will bring a structured request to the City Council if more funding is necessary. The ability to use existing data is a huge cost savings to this project.

**Charles Landry, RCA**, concurred that the Master HANS is RCA’s priority. The data previously collected will allow staff to begin to make determinations.

**Council Member Krupa**, appreciates that the agencies are including the property owners as partners in this process. The property owners will drive the economic development that the City needs.

**Mayor Youssef**, thanked staff for the presentation. Mayor Youssef asked about preliminary outreach to the property owners.

**Ms. Elliano**, the contact has been preliminary and conceptual. Staff wanted to get direction from the City Council. The property owners are discouraged and need to know that the City is serious this time. The phases are designed that if studies or outreach shows that there is no interest from the property owners or that the process is too time consuming or costly we can stop at any point.

**Council Member Wright**, there are technical assistance grants available for the studies and surveys.

**Scott Miller, Chairman**, congratulated the City and expressed encouragement that all the agencies are working together.

**Ed Sauls, Laguna Beach**, this project will be successful if we are all partners. Staff and the property owners need direction and leadership from the City Council. Mr. Sauls cautioned the City Council from placing the burden of the cost on the property owners stating that they will not develop their properties. Without the surveys and the help of RCA this will not happen. Mr. Sauls again encourage the City Council to include the property owners are partners in this process. Mr. Sauls recommended that the City Council appoint an Ad-Hoc Committee to work with the property owners and agencies through this process. Mr. Sauls offered his professional services.

**Mayor Youssef**, agrees that the property owners need to be part of the process and recommended that the City Council create an Ad-Hoc Committee.

**The City Council gave direction to staff to allocate significant staff time to explore & develop this concept.**

**The City Council gave direction to staff to authorize the preparation of conceptual reserve/development areas with RCA staff.**

**The City Council gave direction to staff to conduct workshops/meetings with local property owners to get feedback and participation.**

**The City Council gave direction to staff to coordinate with master drainage plan work effort.**

**The City Council gave direction to consider during the budget process an allocation of \$20,000 for biological assistance and in developing a funding strategy.**

**The City Council appointed Council Members Krupa and Milne to an Ad-Hoc Committee.**

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**Eric Vail, City Attorney,** requested that the City Council consider the addition of an Urgency Item to Closed Session that arose subsequent to the preparation of the agenda and requires action prior to the June 25, 2013 City Council meeting.

**The City Council unanimously approved the addition of item No. 4.A.**

## **Closed Session**

### **Notice of Opportunity for Public Comment**

There were no public comments presented at this time.

The City Council recessed to Closed Sessions at 6:19 p.m.

#### **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*

*Communications Workers of America (CWA) Non-Sworn Police Employees*

*Hemet Fire Fighters Association*

*Hemet Police Officers Association*

*Hemet Police Management Association*

*Hemet Mid-Managers Association*

*Administrative Personnel*

*At-Will Employees*

#### **4.A Conference with Real Property Negotiators**

Pursuant to Government Code section 54956.8

Property: *Assessor's Parcel Nos. ("APN"): 443-140-001, 443-140-003, 443-140-024 and 443-140-015*

Agency negotiator: *Interim City Manager Bradley*

Negotiating parties: *State of California: Administrative Office of the Courts*

Under negotiation: *Disposition, Price and Terms*

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## REGULAR SESSION

7:00 p.m.

City of Hemet City Council Chambers

450 E. Latham Avenue

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### Call to Order

Mayor Youssef called the meeting to order at 7:15 p.m.

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### Roll Call

PRESENT: Council Members Krupa, Milne, Wright and Mayor Youssef

ABSENT: Mayor Pro Tem Smith

**Council Member Krupa moved and Council Member Wright seconded a motion to excuse Mayor Pro Tem Smith. Motion carried 4-0.**

OTHERS PRESENT: Interim City Manager Bradley, City Attorney Vail and City Clerk McComas

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### Invocation

Invocation was given by Mary Morse, Hemet-San Jacinto Interfaith Council

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### Pledge of Allegiance

Pledge of Allegiance was led by Council Member Wright

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## City Attorney Closed Session Report

5. 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*

*Communications Workers of America (CWA) Non-Sworn Police Employees*

*Hemet Fire Fighters Association*

*Hemet Police Officers Association (HPOA)*

*Hemet Police Management Association*

*Hemet Mid-Managers Association*

*Administrative Personnel*

*At-Will Employees*

**The City Council met with the City's Lead Labor Negotiator and gave direction regarding SEIU and HPOA. There was no additional reportable action.**

5.A Conference with Real Property Negotiators

Pursuant to Government Code section 54956.8

Property: *Assessor's Parcel Nos. ("APN"): 443-140-001, 443-140-003, 443-140-024 and 443-140-015*

Agency negotiator: *Interim City Manager Bradley*

Negotiating parties: *State of California: Administrative Office of the Courts*

Under negotiation: *Disposition, Price and Terms*

**The City Council gave direction to staff regarding the sale of the properties. There was no additional reportable action.**

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## Presentation

### 6. Recognition of Police Department Awards

**Dave Brown, Chief of Police**, presented the following Police Medal Awards:

#### Life Saving Medal:

Officer Dave Purcell  
Sergeant Randy Young  
Corporal Josiah Douglas  
Officer Gonzalo Alvarez  
Officer Pat Long  
Officer Bryan Anderson  
Officer Nelson Gould

#### Police Star of Merit:

Officer Danny Caballero  
Officer Bryan Cunningham

#### Police Cross for Bravery and Heroism:

Officer Susanna Barron  
Officer Tim McGinnis

The City Council recessed briefly at 7:37 p.m.

Reconvened at 7:48 p.m.

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## City Council Business Consent Calendar

7. **Approval of Minutes** – May 28, 2013
8. **Receive and File** – Investment Portfolio as of April 2013
9. **Receive and File** – Warrant Register
  - a. Warrant register dated May 30, 2013. Payroll for the period of April 29, 2013 to May 12, 2013 was \$567,982.93.
10. **Recommendation by Administrative Services** - Side Letter of Agreement with the Hemet Police Management Association
  - a. Approve a Side Letter of Agreement with the Hemet Police Management Association (HPMA) to facilitate implementation of the Crime & Safety Action Plan.

11. **Recommendation by Engineering** – Grading, Erosion and Sediment Control Standards
  - a. Adopt a resolution adopting the Engineering Department’s “Grading, Erosion and Sediment Control Standards”. **Resolution No. 4537**
12. **Recommendation by Engineering** – Consultant Agreement with RBF – Master Drainage Plan
  - a. Approve a consultant service agreement with RBF Consulting in the amount of, not to exceed, \$308,054 and establish budget in Fund 326-5592-2710; and
  - b. Authorize the City Manager to execute a consultant service agreement with RBF for the Development of the Master Drainage Plan for the West Side (MDP-West).
13. **Recommendation by Fire Department** – Service Partnership with Air Methods Transportation (Mercy Air)
  - a. Authorize the City Manager to sign the Second Amendment to Lease Agreement with Air Methods Transportation (Mercy Air) for the usage of a portion of the facilities and grounds at 1035 W. Cawston Avenue, Fire Station #4, for air medical transport services.
14. **Recommendation by Fire Department** – First Amendment to Lease Agreement of Fire Station No. 5 to American Medical Response
  - a. Authorize the City Manager to sign the First Amendment to Lease Agreement with American Medical Response (AMR) for the usage of Fire Station No. 5 located at 120 N. Hemet Street for Emergency Medical Response and Medical Transport Crew.
15. **Recommendation by Public Works** – Park Commission Recommendations
  - a. Tree Removal Request: 2751 Aline Drive – Camphor (1)  
Recommendation to approve; property owner to plant replacement Camphor at another location
  - b. Tree Removal Request: 1291 Jasmine Way – Magnolia (1)  
Recommendation to deny; schedule trim
  - c. Tree Removal Request: 835 Del Leon Court  
Recommendation to approve; replace with Crape Myrtle in another location
16. **Recommendation by Police Department** - 2013 Federal Justice Assistance Grant (JAG) Information Access Project
  - a. Accept the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Local Solicitation in the amount of \$28,014.

Item No. 12 was removed from the Consent Calendar. **Council Member Milne moved and Council Member Wright seconded a motion to approve the remaining Consent Calendar items as presented. Motion carried 4-0.**

Item 12

**Jorge Biagioni**, the map that was included in the agenda was the original map and revisions have been made. The correct map was distributed that includes changes to the north side.

**Ron Bradley, Interim City Manager**, the map includes the County portion that will be

included in this joint effort. This is the first step working with RCA and the County of Riverside toward the Master HANS.

**Mr. Biagioni**, confirmed that the agreement includes the portion that will be paid for by the County of Riverside.

**Mayor Youssef**, this is a good first step for the west end and thanked the County of Riverside for their contribution.

**Council Member Krupa moved and Council Member Milne seconded a motion to approve this item as corrected. Motion carried 4-0.**

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## Public Hearing

17. **Appeal No. 13-001 (Conditional Use Permit No. 12-007) – Hemet Jewelry & Loan) – Community Development Director Elliano**
- a. Continued open public hearing from May14, 2013; and
  - b. Adopt a resolution affirming the denial of Conditional Use Permit No. 12-007 for the operation of a Collateral Loan Business (Pawnshop) located at 2355 E. Florida Avenue (APN: 445-290-022). **Resolution No. 4538**
- or**
- c. Overturn the Planning Commission’s denial of CUP 12-007, approve the application subject to the findings required to grant the Conditional Use Permit, and direct staff and the City Attorney to prepare a resolution for approval of CUP 12-007 for adoption by the City Council at a future meeting.

**Deanna Elliano, Community Development Director**, this was before the Planning Commission several times. On April 2, 2013 after hearing public testimony the Planning Commission recommended denial of the CUP. The City Council heard the applicants appeal on May 14, 2013 and continued the open Public Hearing requesting additional time and information. The Police Department’s report for calls is included with the staff report that outlines types and frequency of calls at the other pawn shops. The applicant did consider other locations mainly old banks with vaults. The applicant decided that this was the best location for their business. The City Council requested a breakdown of services provided, 90% of the business is collateral loans. It was originally reported that their retails sales would be approximately \$400,000 per year in which the City would receive 1% in sales tax. An additional letter was provided by the applicant increasing their estimated sales to \$1.2 million per year. The City Council can either affirm the Planning Commission denial or overturn their denial. If the City Council chooses to overturn the Planning Commission’s denial staff would prepare and bring back an alternative resolution with findings and conditions for consideration at a future meeting.

**Debbie Green, Hemet**, spoke in favor of the denial. The City of Hemet has a General Plan and hoping to attract successful businesses to Hemet. The City’s Planning Commission denied the CUP. How does the City Council expect a national anchor to open in Hemet if all we have is dollar stores and pawn shops. Ms. Green expressed concern with the need for 56 cameras.

**Chuck Steadman, Hemet**, spoke in favor of the denial. As a Sergeant with Hemet Police Department one of my jobs was to review pawn slips. This task was time consuming and took officers away from cases that needed their attention. Mr. Steadman asked about the public notice process since he operates a business near the location and did not receive one.

**Ms. Elliano**, notices were sent to property owners, not tenants. The public hearing was also published in the newspaper.

**Howard Rosenthal, Hemet**, spoke in favor of the denial. Mr. Rosenthal attended both

Planning Commission hearings and feels that the Planning Commission's recommendation is in the best interest of the City. We understand that times are tough for some residents, the community has a number of services to assist resident. Mr. Rosenthal cited a number of businesses in the area that are also in favor of the denial.

**Joy Ward, Hemet**, spoke in opposition to the denial. Ms. Ward was told by the police to look in pawn shops for her stolen jewelry. Ms. Ward asked the City Council why they were adverse to the pawn shop stating that they will not be making loans.

**Mayor Youssef**, confirmed that a major portion of their business is loans.

**Natasha Revilla, Hemet**, spoke in favor of the denial. Ms. Revilla moved to Hemet from Orange County 20 years ago and does not want to raise kids in a City with just pawn shops, dollar stores and smoke shops. Home prices are going up everywhere except in Hemet.

**Christi Mayers, Hemet**, spoke in opposition to the denial. Ms. Mayers is the owner of the property and the owner of Mayers Glass. The local businesses will benefit from the security cameras. Even the grocery stores have security.

**Ken Steiner, San Jacinto**, spoke in opposition of the denial. The City needs to allow business to re-use these empty buildings in town. The pawn shops work in coordination with the Police Department. The security cameras will be a deterrent for thieves.

**Scott Campbell, Hemet**, spoke in opposition to the denial. The proposed building has been vandalized a number of times. The security cameras will help the other businesses in the center. Mr. Mueller is willing to invest a lot of money in to the purchase of this building.

**Marcia Scott, Hemet**, spoke in opposition of the denial. Mr. Mueller is offering to bring a reputable business to the community. Ms. Scott noted that 56 cameras has been an issue, the City Council and residents would be surprised how many cameras are in other stores. Consider what Mr. Mueller is trying to do for Hemet. He is investing in a building and bringing in a high end business.

**Donna Banks, Hemet**, spoke in opposition of the denial. There are a number of empty buildings in Hemet. There are high end pawn shops even in Beverly Hills. Other businesses are not offering to come to Hemet. Sales tax revenue is not generated by empty buildings.

**Bob Jungbluth, Hemet**, spoke in opposition of the denial. This business will improve the area, habitat a vacant building and employ more people. A pawn shop is a legitimate business much like a bank. There are residents that need this service.

**Robert Righetti, Hemet Taxpayers Association**, spoke in opposition of the denial. If the City of Hemet is interested in being business and development friendly this isn't the way to do it. The City is spending money to help bring development and businesses to the west end but not helping existing centers. Mr. Righetti feels that this business meets the intent of the City's General Plan. The General Plan is to provide guidance. The Planning staff originally recommended approval until residents spoke in opposition. CEQA was not intended to be a tool to kill projects it is supposed to help mitigate the impact of development. Mr. Righetti disagrees with the findings. There are a number of businesses considering cameras, as many as it takes, due to the increase in crime. Mr. Righetti feels that the City should accept businesses that are willing to build in Hemet.

**John Mueller, Moreno Valley**, the total investment for the project is close to \$3 million including \$1 million in improvements of the facility. We run an upscale business. The Police Department and surrounding businesses will benefit from our security system. We work cooperatively with the law enforcement agencies to track stolen property. We anticipate sales to be 60% higher here than in Moreno Valley. We will provide 15 to 20 jobs immediately and eventually have as many as 25 employees. The Police Department has confirmed that there is

no additional crime related to the existing pawn shops in Hemet. We would be required to operate according to the CUP, if not the City can revoke our CUP.

**Mayor Youssef declared the closed at 8:30 p.m.**

**Mayor Youssef**, expressed concern with the high percentage of loans versus sales.

**Council Member Wright**, visited one of their stores and expressed concern with the solid metal doors, asking the applicant if they would be installed at this location.

**Mr. Mueller**, confirmed that the roll up doors will be installed.

**Council Member Milne**, there are a number of successful antique stores and second hand stores in Hemet. The City has letters from the other two Cities supporting their business. I would love to see new businesses come to town that might help raise the bar.

**Council Member Krupa**, Mr. Mueller might be a good business person, however, this is not the highest and best use for that property in that location. Council Member Krupa noted that the Police Officers have more to do than review more pawn slips.

**Council Member Wright**, as a Planning Commission liaison I attended the meetings and feel that the Planning Commission did their due diligence at fact finding. This business is not consistent with several sections of the City's General Plan. This type of business does not generate significant revenue for the City.

**Mayor Youssef**, does not feel that the Florida Avenue corridor is the best location for this business.

**Mayor Youssef moved and Council Member Krupa seconded a motion to adopt Resolution 4538 upholding the Planning Commission's recommendation. Motion carried 3-1 Council Member Milne voted No.**

The City Council recessed briefly at 8:44 p.m.

Reconvene at 8:55 p.m.

18. **Weed Abatement** – Fire Chief Morris

- a. Conduct a public hearing to hear protests and objections to the proposed removal of weeds, rubbish and refuse per Resolution 4536 adopted by City Council on May 28, 2013.

**Joseph Morris, Fire Chief**, fire season is upon us. The City has been conducting this program for 8 years. The City sent out 270 notices for lots that were non-compliant. This Public Hearing is to hear protest from affected property owners.

**Mayor Youssef declared the Public Hearing opened at 8:57 p.m.**

There were no public comments presented that this time.

**Mayor Youssef declared the Public Hearing closed at 8:57 p.m.**

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## **Discussion/Action Item**

19. **Grading, Sediment and Erosion Control**, Engineering Director/City Engineer Biagioni

- a. Introduce, read by title only and waive further reading of 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**

**Jorge Biagioni**, this ordinance proposes an addition to the Hemet Municipal Code regarding regulations to move dirt from one place to another. The City does not have any formal regulations. In the past the staff has used Appendix J of the California Building Code as basis

for grading operations. The purpose of the Ordinance is to provide more detailed regulations for grading, defines the projects that require a permit and establishes days and times of regular operations. The Ordinance requires posting of securities in case developers do not complete the grading, this will allow staff to do remedial work to complete it. The Ordinance defines the penalties and regulates the import and export of soils. This ordinance requires that staff prepare Grading Standards. Those Grading Standards were adopted by Resolution No. 4537.

**Council Member Milne**, asked if the hours can extended to 7:00 p.m. during the summer months.

**Mr. Biagioni**, the City Engineer can consider exceptions.

**Council Member Krupa moved and Council Member Milne seconded a motion to introduce, read by title only and waive further reading of Ordinance Bill No. 13-014. Motion carried 4-0.**

The Ordinance was read by title only.

20. **Animal Control Services Contract** – Interim Assistant City Manager Thornhill

- a. Authorize the City Manager to enter into a Professional Services Agreement with the Ramona Humane Society (RHS) to provide animal control services for the City of Hemet.

**Gary Thornhill, Interim Assistant City Manager**, the item before you is consideration of an award for Animal Control Services. The City Council is familiar with Ramona Humane Society (RHS), they have been providing this service for the last 3 years. The current term expires in June. The City has been satisfied with the service provided by RHS. The proposals were carefully reviewed by an internal group with costs and services considered. Staff is recommending that the City Council continue with RHS. The contract will be for a period of three years with the option to consider a couple of one year extensions. The agreement includes some additional requirements that RHS has agreed to.

**Council Member Krupa**, confirmed that if RHS does not perform the City can terminate the agreement.

**Ron Bradley, Interim City Manager**, the County of Riverside has a beautiful facility in San Jacinto that is not being used. It would be a benefit for the two Cities and the County to discuss options for future use of the facility.

**Eric Vail, City Attorney**, the City has the right to terminate the agreement with a 60 day notice without cause. If the contract is in default, the City can terminate the agreement within 10 days. The City Manager might need some latitude to make some changes to the agreement, such as adding performance standards.

**Bob Jungbluth, Hemet**, the residents of Hemet Del Sol recommend that the City continue with RHS. Mr. Jungbluth asked if the agreement provides for after hour services.

**Jeff Shephard, Ramona Humane Society**, explained the services that are offered after hours.

**Mayor Youssef moved and Council Member Krupa seconded a motion to approve this item as presented and allow the City Manager some latitude to amend the agreement. Motion carried 4-0.**

**The City Council gave direction to staff to look into possible future uses for Riverside County's facility.**

21. **Municipal Code Amendment 13-003 – Maintenance, Security and Rehabilitation of Abandoned or Vacant Properties** – Community Development Director Elliano
- a. Introduce, read by title only and waive further reading of an ordinance establishing Article XI of Chapter 14 of the Hemet Municipal Code regarding the Maintenance, Security and Rehabilitation of Abandoned or Vacant Properties; and
  - b. Direct staff to file a Notice of Exemption in compliance with the Californian Environmental Quality Act. **Ordinance Bill No. 13-011**

**Deanna Elliano Community Development Director**, this Ordinance is part of the Hemet ROCS Program. The proposed ordinance is an update to Chapter 14 of the Hemet Municipal Code to include a registration requirement and process for lenders with properties in the foreclosure process. This ordinance will allow the City to readily identify and monitor the properties before they deteriorate and become a nuisance to the community. There are approximately 100 cities in California that have passed similar ordinances.

**Council Member Krupa**, asked who the responsible party will be.

**Ms. Elliano**, the lender or the party that files the notice will be required to register the property.

**Mayor Youssef moved and Council Member Milne seconded the motion to approve this item as presented. Motion carried 5-0.**

The Ordinance was read by title only.

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## **Communications from the Public**

**Bob Jungbluth, Hemet**, requested assistance with a situation at Hemet Del Sol with a building that has been vacant for a lengthy period of time. Surrounding residents are having rodent problems due to the condition of the vacant home.

**Deanna Elliano, Community Development Director**, the Ordinance that the City Council just introduced will give staff the tools necessary to deal with this situation.

**CW Cecchi, Hemet**, announced that he will not be attending Council meetings until after the showing of Zorro.

**Howard Tounget, Hemet**, expressed continued concerns with campaign contributions. Mr. Tounget also expressed continued concern with the condition of John Petty's house on Carmalita as well as the Potato Shed. Mr. Tounget noted that Julie Biggs, former City Attorney, left Burke, Williams and Sorenson.

**Howard Rosenthal, Hemet**, expressed concern with the increase in crime. It is time to consider using \$3 million of the City's reserves to hire more police officers or consider raising taxes if that is what is necessary. There are too many good people leaving or threatening to leave the City because of the condition and the crime. The residents will support an increase in taxes if they see changes. Mr. Rosenthal is recommending that the City of Hemet declare an emergency and asked the County of Riverside and City of San Jacinto to do the same thing and spend the reserves on Police Officers.

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## **Work Study**

*Discussion regarding this item, with possible direction to staff*

22. Fiscal Year 2013-14 Budget Review – Interim City Manager Bradley  
**Ron Bradley, Interim City Manager**, staff presented an overview to the City Council of the

Fiscal Year 2013-2014 Annual Budget on May 28, 2013. The Departments are prepared to go over their department budgets with the City Council and answer any questions you might have.

**Mayor Youssef**, asked Mr. Bradley if all Council Members have had the opportunity to meet with staff.

**Council Member Wright**, I will make an appointment to meet with Mr. Bradley and Ms. Conrad soon.

**Mayor Youssef**, asked if there have been any significant changes since the May 28, 2013 presentation.

**Rita Conrad**, Mr. Raver did bring to staffs attention that the 5% pay restoration for the Fire Union was not included in the budget that increased the Department's expenditures for the fiscal year by \$195,000.00. After the last meeting, the City was informed that the gas tax allocation will be cut by 20%, for a total reduction of \$426,000.00

The City Council and staff discussed in detail the funds and allowable uses for Gas Tax allocations.

**Council Member Wright**, asked for an explanation on specific development and building fees.

**Mr. Bradley**, explained that some processes require a series of inspections while others might only require one. The fees for these services are determined by the time necessary to complete the process and are set by law. The City can not charge more than what it costs to provide the service.

**The City Council gave direction to staff to work with the City Council Members to schedule a Budget Work Study Session the week of June 17<sup>th</sup>.**

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## City Council Reports

### 23. 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)

**Council Member Krupa**, attended the Riverside County Economic Forum which was held in Temecula. There is a glimmer of hope and new projects coming forward.

**Council Member Krupa**, the Watermaster recently met and appointed Interim Legal Counsel and an Interim Director.

#### 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)

WRCOG's General Assembly will be June 13 in Morongo.

2. Riverside County Transportation Commission (RCTC)
3. Disaster Planning Commission

F. Ad-Hoc Committee Reports

1. Crime Stoppers Plus Ad-Hoc Committee
2. Hemet ROCS Citizens Advisory Committee (CAC)

**The City Council formed the West End Advisory Ad-Hoc Committee and appointed Council Members Krupa and Milne.**

G. Interim City Manager Bradley

1. Manager's Reports
  2. Schedule additional Budget Workshop
- 

## **Future Agenda Items**

There were no future agenda items requested at this time.

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## **Adjournment**

Adjourned at 9:50 p.m. to Tuesday, June 25, 2013 at 7:00 p.m.



## Staff Report

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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: July 9, 2013

RE: Warrant Register

The City of Hemet's warrant register dated June 27, 2013 is currently posted on the City's website in the Finance Department section, under *Financial Information*. Payroll for the period of May 27, 2013 to June 9, 2013 was \$578,752.72 and June 10, 2013 to June 23, 2013 was \$568,825.89.

### 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



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**Staff Report**

TO: Honorable Mayor and Members of the City Council

FROM: Jorge Biagioni, City Engineer  
Ronald E. Bradley, Interim City Manager *REB*

DATE: July 9, 2013

RE: Installation of Banners Across Florida Avenue

**RECOMMENDATION ACTION:** Staff recommends that the City Council approve the installation of the following listed banners:

**BACKGROUND:**

Ordinance 1598 adopted March 23, 1998 amending Article XXXVII, Sections 90-1311 through 90-1317 inclusive of the Hemet Municipal Code relating to the Banners for Events within the City of Hemet and the San Jacinto Valley.

- A. Valley Wide Recreation & Park District – Docent Recruitment. The banner will go up at Florida and Harvard on July 15, 2013 and down on July 29, 2013, to make the public aware of their docent program. The application and banner legend are attached.
- B. United Methodist Church – Summer Concert. The banner will go up at Florida and Kirby on July 15, 2013 and down on July 29, 2013, to make the public aware of their summer concert. The application and banner legend are attached.
- C. Ramona Bowl – Zorro Play. The banner will go up at Florida and Kirby on July 25, 2013 and down on August 12, 2013, to make the public aware of the Zorro Play being held at the Ramona Bowl. The application and banner legend are attached.
- D. Ramona Bowl – Summer concerts. The banner will go up at Florida and Kirby on July 1, 2013 and down on July 15, 2013, to make the public aware of their summer concert program. The application and banner legend are attached.

**ANALYSIS:**

Ordinance 1598 states that “certain eligible events and festivals that are deemed to be of community-wide benefit may place banners, flags or similar devices over public streets”.

**CONSISTENCY WITH ADOPTED GOALS, PLANS, AND PROGRAMS:**

Ordinance 1598 adopted March 23, 1998.

**FISCAL IMPACT:** No impact to General Fund.

Respectfully submitted, :

*Becky Rivera*

Becky Rivera, Engineering Department

**City of Hemet  
SPECIAL EVENT BANNER PERMIT APPLICATION**

ISSUANCE OF THIS PERMIT IS SUBJECT TO ALL CONDITIONS IMPOSED IN ARTICLE XXXVII, SECTIONS 90-1311 THROUGH 90-1317 INCLUSIVE, OF THE HEMET MUNICIPAL CODE.

PERMISSION IS REQUESTED TO PLACE A BANNER, FLAG, EMBLEM, BUNTING OR SIMILAR DEVICE UPON OR OVER A PUBLIC, STREET, SIDEWALK OR OTHER PUBLIC PLACE IN THE CITY AS FOLLOWS:

ORGANIZATION OR APPLICANT NAME: Valley-wide Recreation & Park District  
CONTACT PERSON: Sarah LeBorgne PHONE NO. (54-1505)  
ADDRESS: 901 W. Esplanade Ave  
CITY, STATE, ZIP CODE: San Jacinto, CA 92582  
EVENT: Volunteer at Diamond Valley Lake  
EVENT DATE: Year Round  
BANNER LOCATION: Florida Ave. at Harvard Ave. or Florida Ave. at Kirby St.  
DESIRED START DATE: 7/15/13 REMOVAL DATE: 7/29/13  
BANNER SIZE: 3 x 25

DESCRIPTION OF BANNER DESIGN AND WORDING: **PLEASE ATTACH PICTURE OR DRAWING**

make a difference become a parent at Diamond Valley Lake

SIGNATURE S. L.B. TITLE: Executive Assistant  
PRINTED NAME: Sarah LeBorgne DATE: 5/29/13

**THE FOLLOWING MUST BE ATTACHED:**  
DRAWING SHOWING BANNER SIZE, DESIGN, WORDING AND COLORS TO BE USED.

SUBMIT COMPLETED FORM AND REQUIRED ATTACHMENTS TO:  
Becky Rivera - Public Works Department  
510 E. Florida Ave.  
Hemet CA 92543  
(951) 765-2455 Fax (951) 765-3878

MAKE A DIFFERENCE! (911) 654-  
BECOME A JOJOINT AT DIAMOND VALLEY

**City of Hemet  
SPECIAL EVENT BANNER PERMIT APPLICATION**

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PERMISSION IS REQUESTED TO PLACE A BANNER, FLAG, EMBLEM, BUNTING OR SIMILAR DEVICE UPON OR OVER A PUBLIC, STREET, SIDEWALK OR OTHER PUBLIC PLACE IN THE CITY AS FOLLOWS:

ORGANIZATION OR APPLICANT NAME: HEMET UNITED METHODIST CHURCH

CONTACT PERSON: JACK WILSON PHONE NO. 619 972 5699 or 951 282 37

ADDRESS: 530 So BUENA VISTA

CITY, STATE, ZIP CODE: HEMET, CA 92543

EVENT: DAN HOLMES IN CONCERT

EVENT DATE: 7/26/13

BANNER LOCATION: Florida Ave. at Harvard Ave. or Florida Ave. at Kirby St.

DESIRED START DATE: 7/15/13 REMOVAL DATE: 7/29/13

BANNER SIZE: 3' X 30'

DESCRIPTION OF BANNER DESIGN AND WORDING: **PLEASE ATTACH PICTURE OR DRAWING**

SIGNATURE Jack D Wilson TITLE: TREASURER

PRINTED NAME: JACK D WILSON DATE: 6/25/13

**THE FOLLOWING MUST BE ATTACHED:**  
DRAWING SHOWING BANNER SIZE, DESIGN, WORDING AND COLORS TO BE USED.

SUBMIT COMPLETED FORM AND REQUIRED ATTACHMENTS TO:  
Becky Rivera - Public Works Department  
510 E. Florida Ave.  
Hemet CA 92543  
(951) 765-2455 Fax (951) 765-3878

Hemet United Methodist Church Presents Dan Homes In Concert July 26th at 7:00 PM  
Call 951-658-4448 M-Th 8 am to 12 pm for Info.

(Picture-see attached)

Colors: Dark Gray & Autumn Red

Will remove phone info if not allowed.

## SPECIAL EVENT BANNER PERMIT APPLICATION

ISSUANCE OF THIS PERMIT IS SUBJECT TO ALL CONDITIONS IMPOSED IN ARTICLE XXXVII, SECTIONS 90-1311 THROUGH 90-1317 INCLUSIVE, OF THE HEMET MUNICIPAL CODE.

PERMISSION IS REQUESTED TO PLACE A BANNER, FLAG, EMBLEM, BUNTING OR SIMILAR DEVICE UPON OR OVER A PUBLIC, STREET, SIDEWALK OR OTHER PUBLIC PLACE IN THE CITY AS FOLLOWS:

ORGANIZATION OR APPLICANT NAME: Ramona Bowl Amphitheatre  
 CONTACT PERSON: Connie Coronado PHONE NO. 951-658-3111 x100  
 ADDRESS: 27400 Ramona Bowl Road  
 CITY, STATE, ZIP CODE: Hemet, CA 92544  
 EVENT: Zorro  
 EVENT DATE: August 10, 17, 24, 2013  
 BANNER LOCATION: Florida Ave. at Harvard Ave. or Florida Ave. at Kirby St.  
 DESIRED START DATE: July 29, 2013 REMOVAL DATE: August 12, 2013  
 BANNER SIZE: 3' x 30'

DESCRIPTION OF BANNER DESIGN AND WORDING: **PLEASE ATTACH PICTURE OR DRAWING**

SIGNATURE Connie Coronado TITLE: Administrative Assistant  
 PRINTED NAME: Connie Coronado DATE: May 9, 2013

**THE FOLLOWING MUST BE ATTACHED:**

DRAWING SHOWING BANNER SIZE, DESIGN, WORDING AND COLORS TO BE USED.

SUBMIT COMPLETED FORM AND REQUIRED ATTACHMENTS TO:

Becky Rivera - Public Works Department  
 510 E. Florida Ave.  
 Hemet CA 92543  
 (951) 765-2455 Fax (951) 765-3878

- No logos
- Font must be same size throughout text
- No e-mail address
- No location

Black Banner  
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RAHONA BOWL	ZORRO	6:00 PM 658-3111
SATURDAYS AUGUST 10, 17 & 24		

## SPECIAL EVENT BANNER PERMIT APPLICATION

ISSUANCE OF THIS PERMIT IS SUBJECT TO ALL CONDITIONS IMPOSED IN ARTICLE XXXVII, SECTIONS 90-1311 THROUGH 90-1317 INCLUSIVE, OF THE HEMET MUNICIPAL CODE.

PERMISSION IS REQUESTED TO PLACE A BANNER, FLAG, EMBLEM, BUNTING OR SIMILAR DEVICE UPON OR OVER A PUBLIC, STREET, SIDEWALK OR OTHER PUBLIC PLACE IN THE CITY AS FOLLOWS:

ORGANIZATION OR APPLICANT NAME: Ramona Bowl Amphitheatre  
 CONTACT PERSON: Connie Coronado PHONE NO. 951-658-3111 x100  
 ADDRESS: 27400 Ramona Bowl Road  
 CITY, STATE, ZIP CODE: Hemet, CA 92544  
 EVENT: Concerts Under The Stars  
 EVENT DATE: July 11, 18, 25 & August 1, 2013  
 BANNER LOCATION: Florida Ave. at Harvard Ave. or Florida Ave. at Kirby St  
 DESIRED START DATE: July 1, 2013 REMOVAL DATE: July 15, 2013  
 BANNER SIZE: 3' x 30'

DESCRIPTION OF BANNER DESIGN AND WORDING: PLEASE ATTACH PICTURE OR DRAWING

SIGNATURE Connie Coronado TITLE: Administrative Assistant  
 PRINTED NAME: Connie Coronado DATE: May 9, 2013

**THE FOLLOWING MUST BE ATTACHED:**

DRAWING SHOWING BANNER SIZE, DESIGN, WORDING AND COLORS TO BE USED.

SUBMIT COMPLETED FORM AND REQUIRED ATTACHMENTS TO:

Becky Rivera - Public Works Department  
 510 E. Florida Ave.  
 Hemet CA 92543  
 (951) 765-2455 Fax (951) 765-3878

- No logos
- Font must be same size throughout text
- No e-mail address
- No location

Blue Banner  
White Lettering

RANDY BOWL	CONCERTS UNDER THE STARS	8:00 PM 658-3111
THURSDAY NIGHTS JULY 11, 18, 25 & AUG 1		

# 7



**CITY OF HEMET  
Hemet, California  
ORDINANCE BILL NO. 13-029**

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**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

1 repeal impede, deter, impact, or negate any administrative, civil, or criminal  
2 enforcement of any violation of said Division that occurred prior to the effective date of  
3 this Ordinance.

4 **SECTION 2:** Chapter 1 (“General Provisions”) is hereby amended to add a new  
5 Article 1 (“In General”), inclusive of Sections 1-1 through 1-11, is hereby added to the  
6 Hemet Municipal Code.

7 **SECTION 3:** Subsection 1-8(i) of Article 1, Chapter 1 (“General Provisions”) of  
8 the Hemet Municipal Code is hereby amended to read as follows:

9 (i) *Administrative citations.* Upon a finding by a city official vested with the  
10 authority to enforce the provisions of this Code that a violation exists, such official may  
11 issue an administrative citation under Article 2 of Chapter 1 of this Code.

12 **SECTION 4:** A new Article 2 (“Administrative Fines and Citations”) is hereby  
13 added to Chapter 1 (“General Provisions”) of the Hemet Municipal Code, and shall read  
14 as shown in Exhibit “A” hereto.

15 **SECTION 5: CEQA FINDINGS.**

16 The adoption of this Ordinance is exempt from CEQA review pursuant to CEQA  
17 Guidelines Section 15061(b)(3), because it can be seen with certainty that this project  
18 would not have a significant effect on the environment.

19 **SECTION 6: SEVERABILITY.**

20 If any section, subsection, subdivision, sentence, clause, phrase, or portion of  
21 this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of  
22 any court of competent jurisdiction, such decision shall not affect the validity of the  
23 remaining portions of this Ordinance. The City Council hereby declares that it would  
24 have adopted this Ordinance, and each section, subsection, subdivision, sentence,  
25 clause, phrase, or portion thereof, irrespective of the fact that any one or more sections,  
26 subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared  
27 invalid or unconstitutional.  
28



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

3 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that  
4 the foregoing Ordinance was introduced and first read on the 25<sup>th</sup> day of June  
5 2013, and had its second reading at the regular meeting of the Hemet City  
6 Council on the 9<sup>th</sup> day of July, 2013, and was passed by the following vote:  
7

8 **AYES:**

9 **NOES:**

10 **ABSTAIN:**

11 **ABSENT:**

12  
13 Sarah McComas, City Clerk

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## 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."

#9



**CITY OF HEMET  
Hemet, California  
ORDINANCE BILL NO. 13-030**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, 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").**

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**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.

1           **WHEREAS**, the City Council wishes to allow City Staff to be able to provide  
2 notice of substandard, hazardous, and other nuisance conditions to non-owners of real  
3 property that have an actual or potential interest in the real property.

4           **WHEREAS**, the City Council believes that it is the responsibility of owners and  
5 occupants of real property to voluntarily fulfill their legal obligations to maintain real  
6 property free of any public nuisance conditions, it also understands that on limited  
7 occasions the City must exercise its rights to summarily abate a public nuisance if  
8 voluntary compliance is not forthcoming.

9           **WHEREAS**, the City Council wishes to refine the current administrative  
10 procedures for the City's use, upon its election, to correct or abate nuisance conditions  
11 on real properties throughout the City, while still protecting the responsible parties' right  
12 to due process under the law.

13           **WHEREAS**, the City Council wishes to responsibly defray the costs associated  
14 with the investigation and enforcement of applicable laws, and the abatement of  
15 substandard, hazardous, and/or other nuisance conditions by adopting and utilizing  
16 administrative procedures to collect fees, costs or charges as authorized by State  
17 statutes or as otherwise allowed pursuant to the City's police powers.

18           **WHEREAS**, California Health and Safety Code Section 17951(a) authorizes the  
19 City to prescribe fees to defray its costs of enforcement of State Housing Law  
20 regulations that relate to apartment houses, hotels, motels, and dwellings, and buildings  
21 and structures accessory thereto, as well as with regard to the premises they are  
22 located on.

23           **WHEREAS**, California Government Code Section 54988(a)(1) authorizes the  
24 City to collect fees, costs or charges for all types of structures and premises with regard  
25 to: (i) correction of violations of the Code that would also be violations of California Civil  
26 Code section 1941.1 (with regard to untenable dwellings); (ii) enforcement of zoning  
27 ordinances adopted pursuant to Chapter 4 (commencing with Section 65800) of Division  
28

1 1 of Title 7 of the Government Code or any other constitutional or statutory authority (iii)  
2 inspections and abatement of violations of Article 1 (commencing with Section 13100) of  
3 Chapter 1 of Part 2 of Division 12 of the Health and Safety Code and regulations or  
4 ordinances adopted pursuant to that article; (iv) inspections and abatement of violations  
5 of the State Housing Law and regulations or ordinances adopted pursuant to that part;  
6 (v) inspections and abatement of violations of the California Building Standards Code  
7 (Title 24 of the California Code of Regulations); and (vi) inspections and abatement  
8 related to local ordinances and regulations that implement any of the foregoing.

9 **WHEREAS**, several State statutes, including, but not limited to California  
10 Government Code Sections 38773.1, 38773.2, 38773.5, 38773.6, and 54988, either  
11 explicitly or impliedly authorize local jurisdictions to enact procedures by ordinance to  
12 collect fees, costs, and penalties either by means of a lien or a special assessment.

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

15 **SECTION 1:** Division 1 (“Generally”) of Article II (“Nuisances”) of Chapter 30  
16 (“Environment”) of the Hemet Municipal Code is hereby repealed and deleted in its  
17 entirety; however, such repeal shall not affect or excuse any violation of said Division  
18 that occurred prior to the effective date of this Ordinance, nor shall such repeal impede,  
19 deter, impact, or negate any administrative, civil, or criminal enforcement of any  
20 violation of said Division that occurred prior to the effective date of this Ordinance.

21 **SECTION 2:** A new Division 1 (“Public Nuisances”) is hereby added to Article II  
22 (“Nuisances”) of Chapter 30 (“Environment”) of the Hemet Municipal Code and shall  
23 read as shown in Exhibit “A” hereto.

24 **SECTION 3: CEQA FINDINGS.**

25 The adoption of this Ordinance is exempt from CEQA review pursuant to CEQA  
26 Guidelines Section 15061(b)(3), because it can be seen with certainty that this project  
27 would not have a significant effect on the environment.

1           **SECTION 4: SEVERABILITY.**

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

10           **SECTION 5: EFFECTIVE DATE.**

11           This Ordinance shall take effect 30 days from its passage by the City Council of  
12 the City of Hemet.

13           **SECTION 6: PUBLICATION.**

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

19  
20           **INTRODUCED** at the regular meeting of Hemet City Council on June 25, 2013.

21           **APPROVED AND ADOPTED** this 9<sup>th</sup> day of July, 2013.

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\_\_\_\_\_  
**Robert Youssef, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Sarah McComas, City Clerk**

\_\_\_\_\_  
**Eric S. Vail, City Attorney**

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

3 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the  
4 foregoing Ordinance was introduced and first read on the 25<sup>th</sup> day of June 2013, and  
5 had its second reading at the regular meeting of the Hemet City Council on the 9<sup>th</sup> day  
6 of July, 2013, and was passed by the following vote:  
7

8 **AYES:**

9 **NOES:**

10 **ABSTAIN:**

11 **ABSENT:**

12  
13 Sarah McComas, City Clerk

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## **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 not 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]***

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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 Angeles 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.



## Successor Agency

### Staff Report

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TO: Honorable Mayor and City Council Acting as Successor Agency

FROM: Ronald E. Bradley, Interim City Manager *REB*

DATE: July 9, 2013

RE: Authorization for Contract Amendment with RSG Inc. for Successor Agency Professional Services

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**RECOMMENDATION:**

Staff recommends that the Successor Agency authorize the Interim City Manager to execute a contract amendment with RSG Inc. to authorize additional spending beyond the Interim City Manager's spending authority for work required to be undertaken by the Successor Agency to the dissolved Hemet Redevelopment Agency pursuant to AB 1X 26 in the amount of \$25,000.

**BACKGROUND:**

In 2011, the City contracted with RSG Inc to perform a variety of Successor Agency work associated with the dissolution of the former Hemet Redevelopment Agency as need to conform to AB 1X 26, the dissolution bill and adhere to requirements set forth by the bill and state law.

Pursuant to AB 125, the Successor Agency must now conduct a Property Disposition Management Plan to conform with AB 1X26, AB 1444 and state law.

The current contract with RSG Inc, does not provide for the work now required and needs to be amended and have additional funds allocated for this work and other dissolution activities. Due to the cumulative nature of the work to date, and funds expended by the Successor Agency, it is now recommended that the Successor Agency authorize the additional spending up to \$25,000 to conform with City purchasing regulations.

**DISCUSSION:**

Under AB1X26 (HSC Section 34177 [e], successor agencies are required to "dispose of assets and properties of the former redevelopment agency" and to do so "expeditiously and in a manner aimed at maximizing value"

Upon determination of the Oversight Board, proceeds from the sale of former Redevelopment Agency assets can be used to fund approved development projects or to fund other wind-down activities. If no such activities exist, the funds are to be transferred to the Riverside County, Auditor-Controller for distribution to the taxing entities.

On June 27, 2013 the "Governor approved a follow-up bill to AB1X26, AB 1484. AB 1484 altered the Oversight Board's role in real property disposition. The Oversight Board's new role

is to approving a long range property management plan, with pursuant to the law must contain a detailed inventory of all real property assets and set forth a recommendations regarding how and to whom should the assets be disposed or distributed. AB 1484 specifies that the Plan must be approved by submitted within six months of the issuance of a Finding of Completion, which the Successor Agency received on April 26, 2013.

On June 27, 2012, 2012, the Oversight Board heard a presentation from the Successor Agency regarding the status of former Agency assets and subsequently on October 3, 2012 the Oversight Board adopted OB Resolution 2012-004, approving Successor Agency's recommendations regarding former Redevelopment Agency assets and supporting the Successor Agency's plan to manage and dispose of real property assets. The prior actions where undertaken by the Successor Agency and the Oversight Board prior to direction and guidance received from Department of Finance (DOF), regarding AB 1484 and the required process for considering asset and property disposition, the process and elements of the now required plan.

In short, pursuant to HSC 34191.4 requires that the Plan contain an inventory of all real property assets and is to present options for the disposition of those assets including:

1. Retention of property for future development by the City;
2. Liquidation of the property for a project identified in the approved redevelopment plan or an enforceable obligation;
3. Simple liquidation of property, consistent with the intent of AB 1X 26; or
4. Retention of the property for governmental purposes.

In cases where compensation is required for the disposition assets, the proceeds shall be distributed to the taxing entities.

Upon approval, the Successor Agency (SA) intends to begin work immediately and present a draft of the Property Management Plan to the Successor Agency and the Oversight Board within approximately 90 days.

**ALTERNATIVES:**

None recommended.

**FISCAL IMPACT:**

No City funds are involved with this recommendation. The requested work is funded by the Successor Agency administrate budget provided for by AB 1 X 26 from the Redevelopment Property Tax Trust Fund.

**COORDINATION AND REVIEW:**

The recommended action has been coordinated with the City Manager's Office, Community Investment Department, City's RDA Dissolution consultant RSG, Inc. and with input from the City Attorney.

**STRATEGIC PLAN AND COUNCIL GOALS INTEGRATION:**

The recommended action supports the Successor Agency goals of conforming to AB 1 X 26 and AB 1448 to ensure compliance with State laws governing the dissolution of the former Hemet Redevelopment Agency.

**CONCLUSION:**

It is respectfully recommended the Successor Agency authorize the Interim City Manager to execute a contract amendment with RSG Inc. to authorize additional spending beyond the Interim City Manager's spending authority for work required to be undertaken by the Successor Agency to the dissolved Hemet Redevelopment Agency pursuant to AB 1X 26 in the amount of \$25,000.

ATTACHMENTS: 1 – RSG, Inc. Proposal for additional services.

**Recommended By:**



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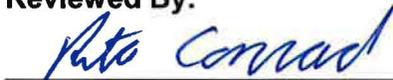
John Jansons  
Community Investment Director

**Approved By:**

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Ronald E. Bradley  
Interim City Manager

**Reviewed By:**



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Rita Conrad  
Deputy City Manger and  
Administrative Services Director



ROSENOW SPEVACEK GROUP INC. T 714 541 4585  
 309 WEST 4TH STREET F 714 541 1175  
 SANTA ANA, CALIFORNIA E INFO@WEBRSG.COM  
 92701-4502 WEBRSG.COM

June 5, 2013

Via Electronic Mail

John Jansons, Director  
 Department of Community Investment  
 City of Hemet  
 445 East Florida Avenue  
 Hemet, CA 92543

**CONTRACT RENEWAL FOR SUCCESSOR AGENCY CONSULTING SERVICES**

Dear John:

Pursuant to our recent discussions, we are approaching our budget maximum for our contract to provide consulting services to the Successor Agency ("SA"), which was established several months ago. We also understand that RSG will take a larger role in leading Oversight Board ("OB") meetings in the future. Finally, the long range property management plan, as required by Assembly Bill ("AB") 1484 must be prepared and approved by the OB over the next 3 to 4 months. Therefore, RSG has prepared this contract extension to provide the SA administrative services related to the implementation of redevelopment agency dissolution under AB x1 26 and 1484. Our role would be to continue to provide the following technical, financial, and administrative services:

- Ongoing reporting requirements;
- Staff support at OB meetings;
- Advise staff and analyze information pertaining to new enforceable obligations;
- Prepare the required Long-Range Property Disposition Plan;
- Assist with communications with the State Department of Finance ("DOF"); and
- Other services as directed by staff.

**SCOPE OF WORK**

Specific assignments may include, but are not limited to, the following:

1. **Prepare Recognized Obligation Payment Schedule ("ROPS")** – RSG will work with City staff to gather and analyze data to prepare the ROPS that is due every 6 months, pursuant to legal requirements. RSG staff will also prepare an OB staff report and resolution for each ROPS, pursuant to AB 1484 requirements.

COMMUNITY INVESTMENT & IMPROVEMENT  
 LOCAL GOVERNMENT SOLUTIONS  
 FINANCIAL ANALYSIS  
 HOUSING

2. **Support at OB Meetings** – RSG staff will prepare meeting agendas, prepare presentation materials, conduct OB meetings to present information to Board members, provide support to City staff, and answer questions.
3. **Advise on new and existing enforceable obligations** – RSG staff will conduct necessary analyses and advise City staff on issues pertaining to new or existing enforceable obligations, as needed.
4. **Long Range Property Management Plan** – Pursuant to the requirements in AB 1484, the SA may prepare a Long Range Property Management Plan now that the SA has received its Finding of Completion from the DOF certifying that all legally required payments have been made to date.

The preparation of this Plan will involve the following tasks:

- A. **Assessment of Properties:** RSG staff will first conduct an assessment of each property pursuant to the steps outlined below.
  - i. **Governmental Use (if appropriate):** RSG staff will assess properties to determine if any meet the provision of Section 34181 of AB 1X26 that allows the transfer of ownership of those assets that were constructed and used for a governmental purpose to the appropriate public jurisdiction. If so, RSG will collaborate with legal counsel to document public use and effectuate transfer of properties by the OB.
  - ii. **Market Value Analysis:** RSG will work with City staff to obtain data to assess market value and to provide needed documentation and potential reuse of each of the SA properties, including:
    - Location, site/parcel, and aerial map
    - General Plan and Zoning designation
    - Sales/use history of property
    - Environmental information to determine status
    - Tenant status/potential for relocation obligations
    - Original purpose for acquisition of property
    - Title information
    - Fund type to acquire property (i.e., tax exempt bonds, tax increment)
- B. **Categorize properties:** RSG staff will provide assistance to City staff in the identification of properties within the following statutorily defined categories, pursuant to Health and Safety Code Section 34191.5(c)(2):
  - i. Properties retained for governmental use (Health and Safety Code Section 34181(a))
  - ii. Property for retention for future development
  - iii. Properties to be sold

- iv. Properties retained for purposes of fulfilling an enforceable obligation (Health and Safety Code Section 34191.5(c)(2))
- C. **Develop a Property Disposition Strategy.** The overall goal of the Strategy would be to ensure that the disposition and potential development of the SA properties would be of overall benefit to the community and will include the following components:
- i. RSG will work with the City staff to establish goals for disposition and development of the properties.
  - ii. Ranking criteria will be established to determine the overall importance of each property to the City and community and would be utilized to prioritize marketing and disposition of properties.
  - iii. RSG will work with City staff to assess land use appropriateness and the need for a General Plan or Zone change for SA Properties.
- D. **Develop a Long Range Property Management Plan for the SA and OB.** The Plan would ensure that the SA and OB agree upon an established formal procedure for retaining, transferring or disposing sale of properties pursuant to legal requirements. RSG will assist in the presentation of the draft Plan to the SA for approval. Once approved by the SA, RSG would again present the Plan to the OB for their approval. RSG will also prepare needed staff report and resolutions for the SA and OB.
5. **Assist with coordination with DOF -** RSG would assist City staff with communications with DOF pertaining to ROPS, the Long Range Property Management Plan and other requirements. This task will also include RSG participation with any Meet and Confer meetings that are required.
6. **Other Services** – RSG will complete other tasks, as requested by City staff. These tasks may include, but are not limited to the following:
- Financial Planning and Transition Services
  - Meeting Coordination
  - Monitoring of Legal Requirements and Covenants
  - Financial Administration
  - Others as Designated

John Jansons, Director  
Department of Community Investment  
City of Hemet  
June 5, 2013  
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**BUDGET**

Our services would be charged on a time-and-materials basis, in accordance with our current fee schedule below:

Principal/Director	\$ 210
Senior Associate	165
Associate	150
Senior Analyst	125
Analyst	115
Research Assistant	100
Technician	75
Clerical	60

Reimbursable Expenses                      Cost plus 10%

RSG does not charge clients for mileage, parking, standard telephone/fax expenses, general postage or incidental copies. However, we do charge for messenger services, overnight shipping/express mail costs and teleconferencing services. We also charge for copies of reports, documents, notices, and support material in excess of five (5) copies. These costs are charged back at the actual expense plus a 10% surcharge.

RSG issues monthly invoices payable upon receipt, unless otherwise agreed upon in advance. Invoices identify tasks completed to date, hours expended and the hourly rate.

We will provide these services on a time-and-materials basis, with a **not to exceed amount of \$25,000** to undertake these assignments for the City. In the event this budget amount is reached prior to the completion of the tasks outlined under the Scope of Services, RSG will submit a proposal for outstanding services required with a cost estimate.

**TIMELINE**

The timing of activities will be determined primarily by the deadlines contained in the California Health and Safety Code.

John Jansons, Director  
Department of Community Investment  
City of Hemet  
June 5, 2013  
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Thank you for the opportunity to assist the City. If you have any questions, please do not hesitate to contact myself or Hitta Mosesman.

Sincerely,  
ROSENOW SPEVACEK GROUP, INC.



Kathy Rosenow  
Principal



Hitta Mosesman  
Senior Associate

Signed: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_



## Staff Report

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Ronald E. Bradley, Interim City Manager *REB*  
Deanna Elliano, Community Development Director *DE*

DATE: July 9, 2013

RE: **ZONING ORDINANCE AMENDMENT (ZOA) NO. 13-005 - Big Box Retail Conversion:** A request for City Council review and approval of a Zoning Ordinance Amendment to modify Chapter 90, amending Article XXVI of the Hemet Municipal Code, requiring a Conditional Use Permit and regulations for the conversion of large retail commercial buildings to other uses. **(Ordinance Bill No. 13-027)**

### **RECOMMENDED ACTION:**

*The Planning Commission recommends that the City Council:*

1. Introduce and read by title only, and waive further reading of **Ordinance Bill No. 13-027** to modify Chapter 90, amending Article XXVI of the Hemet Municipal Code, requiring a Conditional Use Permit and adding regulations for the conversion of large retail commercial buildings to other uses; and
2. Direct staff to file a Notice of Exemption with the County Clerk in compliance with the California Environmental Quality Act.

### **BACKGROUND:**

Over the past few years, there has been interest in the conversion of existing, vacant, "Large Retail Commercial Buildings" (LRCB) to non-retail uses such as social services, medical services and offices, religious institutions, or other similar uses. A Large Retail Commercial Building is defined under the ordinance as those buildings that are 30,000 square feet or larger, and have been used for retail purposes. The conversion of such buildings to non-retail uses could permanently diminish potential sales tax revenues, or be incompatible with other uses in a commercial center. The City's current zoning regulations do not require comprehensive review or approval for any proposed conversion of a large retail commercial building other than requiring a building permit for tenant improvements.

Recognizing the potential for negative impacts caused by unregulated conversion of large retail commercial buildings, on August 9, 2011, the Hemet City Council adopted Ordinance No. 1838 establishing an interim urgency ordinance requiring approval of a Conditional Use Permit (CUP) for the conversion of large retail commercial buildings for a period of forty-five days. Pursuant to California Government Code, the City Council extended Ordinance 1838 for a period of ten (10) months and fifteen (15) days on September 13, 2011 when it adopted Ordinance No. 1840. Ordinance No. 1840 was originally set to expire on August 5, 2012.

On July 10, 2012, the City Council adopted a final extension of the interim Urgency Ordinance when it adopted Ordinance No. 1854, which became effective on August 4, 2012. As a result, the final one year extension of Ordinance No. 1831 will expire in August of this year. The proposed Ordinance will officially establish in the Zoning Code the provisions recommended in the previous Interim Urgency Ordinance 1838.

**ORDINANCE DESCRIPTION:**

The text of the proposed ordinance was developed by Planning Division staff based on the Interim Urgency Ordinance originally prepared by the City Attorney's office. The proposed Ordinance requires a Conditional Use Permit for the conversion of large retail commercial buildings and establishes findings that must be made by the Planning Commission in support of the conversion. The text of the proposed Ordinance is included as Attachment No. 1A to this staff report.

The proposed ordinance accomplishes the following:

1. Identifies the type of buildings subject to the requirements for conversion of large retail commercial buildings to non-retail uses (i.e. 30,000 sq. ft. and larger retail buildings).
2. Requires a Conditional Use Permit (CUP) for the conversion of large retail commercial buildings located in the C-1, C-2 and C-M commercial zones to be approved by the Planning Commission.
4. Sets forth specific Findings for the granting of a CUP for the conversion of a large retail commercial building to insure that the conversion will not be detrimental to the surrounding uses, will not contribute to a shortage of large retail spaces, is consistent with the goal and polices in the General Plan, and is consistent with zoning and CEQA requirements. The findings can be found in Section 90.897(d)(4) of Attachment No. 1A.
5. Requires the submittal of a Retail Use Analysis and inventory of existing Large Retail Commercial Buildings for the Planning Commission to consider in its deliberation of the CUP application.

Implementation of the proposed Ordinance will establish a process for the conversion of large retail commercial buildings subject to the CUP application process and review by the Planning Commission. Conversions of large retail buildings to other uses are not prohibited, but must meet the review standards and criteria for adoption by the Planning Commission as set forth in the proposed ordinance.

**COORDINATION & REVIEW:**

On June 18, 2013, the Planning Commission held a noticed public hearing and unanimously recommended that the City Council adopt the proposed Ordinance. No members of the public spoke at the hearing. The Planning Commission Resolution No. 13-010 is included as Attachment No. 2 to this report.

On June 27, 2013, the City published a notice in the Press Enterprise of the holding of a public hearing before the City Council at which the amendment to the City's zoning ordinance would be considered. At the time this staff report was prepared, no public comments had been received regarding the ordinance.

**CONSISTENCY WITH ADOPTED GOALS, PLANS, AND PROGRAMS:**

The proposed ordinance is in conformance with the adopted 2030 General Plan for the City, in that adopting development regulations for the conversion of large retail commercial buildings does not conflict with any allowable uses in the Land Use Element and does not conflict with any policies or programs in any other element of the General Plan. This Ordinance is in conformance with several fundamental objectives of the City's General Plan, including:

1. Policy LU-8.1 – **Desirable Commercial Uses** *“Promote and recruit desirable commercial and office uses within the Florida Avenue corridor that serve a citywide or regional customer base.”*
2. Policy LU-15.1 – **Balance of Land Uses** *“Through the General Plan Land Use and Zoning Maps, establish a balance of land use opportunities for jobs, housing, and services, within the community that help achieve the mobility, access, open space, and air quality goals and policies of the City.”*

**FISCAL IMPACT:**

No direct fiscal impacts are anticipated resulting from the adoption of the proposed Ordinance. A Conditional Use Permit will be required for any future conversion of a Large Retail Commercial Building, and the appropriate application fees will be paid to cover staff time in reviewing and processing the request.

Respectfully submitted,

  
\_\_\_\_\_  
Deanna Elliano  
Community Development Director

Attachment(s):

1. Proposed City Council Ordinance Bill No. 13-027, Big Box Retail Conversion
2. Planning Commission Resolution No. 13-010

# Attachment No. 1

City Council Ordinance Bill  
No. 13-027

City Council  
July 9, 2013



CITY OF HEMET  
Hemet, California

ORDINANCE BILL NO. 13-027

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET ADOPTING ZONING ORDINANCE AMENDMENT NO. 13-005, AN ORDINANCE AMENDING ARTICLE XXVI, SECTION 90-892 "PERMITTED USES," AND SECTION 90-897 "SPECIAL DEVELOPMENT REQUIREMENTS" FOR COMMERCIAL ZONES OF CHAPTER 90 OF THE HEMET MUNICIPAL CODE, AND ADOPTING RESTRICTIONS ON AND PROCEDURES FOR THE CONVERSION OF LARGE RETAIL COMMERCIAL BUILDINGS TO OTHER USES.

**WHEREAS**, the City has seen interest in the conversion of several Large Retail Commercial Buildings or "LRCBs" within the City to non-retail uses, such as social services, medical services and offices; and,

**WHEREAS**, under the City's existing zoning ordinance, a large retail commercial building may be converted to a non-retail use without any City review or approval process and without compliance with the California Environmental Quality Act ("CEQA"); and,

**WHEREAS**, the City has a legitimate interest in maintaining an appropriate balance of land uses within the City, and the City desires to ensure that there is an appropriate balance of retail and non-retail uses within the City; and,

**WHEREAS**, on August 9, 2011, the City Council of the City of Hemet adopted Ordinance 1838, an interim urgency ordinance adopting restrictions on and procedures

1 for the conversion of large retail commercial buildings to other uses for a period of forty-  
2 five (45) days; and,

3 **WHEREAS**, Government Code Section 65858(a) authorized the City Council to  
4 continue the effect of Ordinance 1838 for a period of ten (10) months and fifteen (15)  
5 days; and,

6 **WHEREAS**, at a duly noticed public hearing on September 13, 2011, the City  
7 Council adopted Ordinance 1840, which continued the effect of Ordinance 1838 for a  
8 period of ten (10) months and fifteen (15) days; and,

9  
10 **WHEREAS**, at a duly noticed public hearing on July 10, 2012, the City Council  
11 adopted Ordinance 1854, which continued the effect of Ordinance 1838 for a final one-  
12 year extension, setting an expiration date of August 4, 2013; and,

13 **WHEREAS**, this new Ordinance will permanently adopt provisions to ensure that  
14 the conversion of large retail commercial buildings to non-retail uses will occur only as  
15 part of a City review and approval process that requires an analysis of whether a  
16 proposed conversion of a large retail commercial building to a non-retail use would  
17 detrimentally impact the City's appropriate supply of large retail commercial buildings  
18 and the appropriate balance of retail to non-retail uses.

19  
20 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET DOES**  
21 **HEREBY ORDAIN AS FOLLOWS:**

22 **SECTION 1. Findings.**

23 The City Council hereby makes the following findings:

24 1. The foregoing recitals are true and correct and are hereby adopted as  
25 findings of the City Council.  
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2. The City has recently experienced significant interest by property owners and developers in the conversion of large retail commercial buildings to non-retail uses. Such a conversion could have occurred without any City review or approval or without any CEQA review.

3. Allowing the existing inventory of large retail commercial buildings to be converted to non-retail uses may create a scarcity of large retail commercial buildings suitable and available for the needs of Major Retail Commercial Uses. This, in turn, may result in Major Retail Commercial Uses required to service the City's population to locate to other communities, thereby forcing the City's population to drive outside of the City for necessary or desirable retail services. An increase in vehicle trips in and out of the valley may create additional greenhouse gases, traffic, and deterioration of local roadway systems. An imbalance in these uses may also lead to urban blight in the form of underutilized properties, high commercial vacancy rates, and depressed rental rates.

4. The City has a legitimate interest in maintaining an appropriate balance of retail and non-retail uses within the City to avoid such potentially negative impacts and to ensure adequate facilities able to accommodate necessary and desired Major Retail Commercial Uses for its population. Allowing the conversion of a large retail commercial building without adequate City land use and CEQA review and approval may materially impair the City's ability to maintain an appropriate balance of retail and non-retail uses suitable to serve the needs of the City's population.

1           5.       Allowing the conversion of large retail commercial buildings without any  
2 City land use and CEQA review and approval may negatively impact the properties  
3 surrounding the large retail commercial building by changing the character of the  
4 surrounding area.  
5

6           6.       The City has analyzed the Ordinance and has determined that it is exempt from  
7 CEQA under section 15061(b)(3) of the CEQA Guidelines (the "general rule" exception)  
8 which provides that CEQA only applies to projects that have the potential for causing a  
9 significant effect on the environment. A "significant effect on the environment" is a  
10 substantial or potentially substantial adverse change in the environment. (CEQA  
11 Guidelines section 15382). Where, as here, it can be seen with certainty that there is no  
12 possibility that the activity in question may have a significant adverse effect on the  
13 environment, the activity is not subject to CEQA. This Ordinance does not relate to any  
14 one physical project and will not result in any physical change to the environment. Each  
15 application that is received will undergo separate CEQA review prior to approval. This  
16 Ordinance will not result in a physical change to the environment because it does not  
17 authorize any project or development . This Ordinance does not change land uses.  
18 Rather, it establishes a new application and review process to convert LRCBs to other  
19 uses so that the City can identify potential impacts.  
20  
21

22  
23 **SECTION 2.       Amendment of Article XXVI.**

24           Amendments to Article XXVI, Section 90-897 Special Development  
25 Requirements, and Section 90-892 Permitted Uses are to be amended as shown  
26 in Exhibit "A" and Exhibit "B" respectively, attached hereto.  
27

1     **SECTION 3. ENVIRONMENTAL REVIEW.**

2             This Ordinance is exempt from review under the California Environmental Quality  
3 Act (CEQA) under section 15061(b)(3) of the CEQA Guidelines (the “general rule”  
4 exception) which provides that CEQA only applies to projects that have the potential for  
5 causing a significant effect on the environment. A “significant effect on the environment”  
6 is a substantial or potentially substantial adverse change in the environment. (CEQA  
7 Guidelines section 15382). Where, as here, it can be seen with certainty that there is no  
8 possibility that the activity in question may have a significant adverse effect on the  
9 environment, the activity is not subject to CEQA. This Ordinance does not relate to any  
10 one physical project and will not result in any physical change to the environment. Each  
11 application that is received will undergo CEQA review prior to approval. This Ordinance  
12 will not result in a physical change to the environment because it does not authorize any  
13 project or development. This Ordinance does not change land uses. Rather, it  
14 establishes a new application and review process to convert large retail commercial  
15 buildings to other uses so that the City can identify potential impacts.

16     **SECTION 4. SEVERABILITY.**

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

1 **SECTION 5. EFFECTIVE DATE AND DURATION.**

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

4 **SECTION 6. PUBLICATION.**

5 The City Clerk is authorized and directed to cause this Ordinance to be published  
6 within fifteen (15) days after its passage in a newspaper of general circulation and  
7 circulated within the City in accordance with Government Code Section 36933(a) or, to  
8 cause this Ordinance to be published in the manner required by law using the alternative  
9 summary and posting procedure authorized under Government Code Section 39633(c).

10 **INTRODUCED** at the regular meeting of Hemet City Council on July \_\_, 2013.

11 **APPROVED AND ADOPTED** this \_\_\_ day of July 2013.

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**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 Ordinance was introduced and first read at the regular meeting of the Hemet City Council on the \_\_\_ day of July, 2013, and had its second reading at the regular meeting of the Hemet City Council on the \_\_\_ day of July, 2013, and was passed by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

\_\_\_\_\_  
Sarah McComas, City Clerk

# Attachment No. 1A

Article XXVI – Commercial  
Zones Text Amendment

City Council  
July 9, 2013

## EXHIBIT "A"

### ARTICLE XXVI. – COMMERCIAL ZONES

#### Sec. 90.897.(d) Conversion of Large Retail Commercial Buildings.

- (1) Applicability. This Section shall only apply to Large Retail Commercial Buildings ("LRCBs"). This Section shall not apply to large retail commercial buildings that, as of the effective date of this Ordinance, are already being used for a use other than a Major Retail Commercial Use (as defined in paragraph B below), including without limitation, offices, manufacturing, or warehouses.
- (2) Definitions. As used in this Section, the following terms shall have the following meanings:
  - a. "Major Retail Commercial Use" means the retail selling (or membership wholesale selling) of new goods and merchandise for consumption by the general public within a regional or sub-regional marketing base including, without limitation: department stores, apparel, electronics, appliances, home goods, home improvement, furniture, office supply, supermarkets, sporting goods, bookstores, factory outlets, and other general retail or membership stores.
  - b. "Large Retail Commercial Building" or "LRCB" means an existing building in the C-1, C-2, C-M, SP, or PCD zones that has a gross floor area of 30,000 square feet or more, and that is currently being used for a Major Retail Commercial Use or is currently vacant.
  - c. "LRCB Inventory and Retail Use Analysis" means an inventory of existing and approved large retail commercial buildings within the City and an analysis of whether conversion of the large retail commercial building would create a detrimental decrease in the supply of large retail commercial buildings and the resultant fiscal effect, if any.
- (3) Permit Required. Notwithstanding any other provisions of Chapter 90 of the Hemet Municipal Code, any person seeking to convert a large retail commercial building to any use other than a Major Retail Commercial Use must apply for and obtain a Conditional Use Permit pursuant to Article XLIV of Chapter 90 of the Hemet Municipal Code prior to making any modifications to the large retail commercial building and/or occupancy of the large retail commercial building. All of the procedures contained in Article XLIV shall apply to Conditional Use Permits applied for or obtained pursuant to this Section.

- (4) Findings. In addition to the findings required to grant a Conditional Use Permit contained in Section 90-1537(c) of the Hemet Municipal Code, the Planning Commission must also find that:
- a. The conversion will not create or contribute to a shortage of large retail commercial buildings within the City available for Major Retail Commercial Uses relative to the demand for such uses as exists on of the date that the conversion application is deemed complete by the City.
  - b. The conversion will not detrimentally alter the character of the area surrounding the large retail commercial building.
  - c. The conversion of the large retail commercial building contributes to the logical development of the site and surrounding area, provides needed infill development, and is compatible with the goals, policies and land uses contemplated in the General Plan, and is consistent with all zoning and building code requirements for the proposed use.
  - d. The issuance of the Conditional Use Permit complies with CEQA, including the preparation of an appropriate environmental document if required.
- (5) Required Submittals. In addition to the information required to be submitted by Section 90-1532 of the Hemet Municipal Code, an applicant for a Conditional Use Permit governed by this Section shall also prepare and submit an existing LRCB Inventory and Retail Use Analysis and such other information as the Community Development Director may determine is reasonably necessary for the City to make an informed decision on the conversion, including all impacts on the environment.

# Attachment No. 1B

Amended Commercial Land  
Use Matrix

City Council  
July 9, 2013

## EXHIBIT "B"

- A. The following entries shown in **RED** in the land use matrix in Section 90-892 are amended to read as follows.

COMMERCIAL LAND USE MATRIX P=Permitted Use A=Administrative Use (AUP) C=Conditionally Permitted Use (CUP) X=Not Permitted						
Zone		R-P	O-P	C-1	C-2	C-M
<b>A. Agricultural Uses</b>						
1.	Kennel for dogs and/or cats (in accordance with special regulations listed in section 90-78)					
	a. As an accessory use (indoor)	X	X	P	P	P
	b. As an accessory use (outdoor)	X	X	A	A	A
	c. As a primary use (indoor or outdoor)	X	X	C	C	C
2.	Nursery					
	a. Wholesale	C	C	C	C	C
	b. Retail	P	P	P	P	P
	c. Retail - Indoor only	X	X	X	X	X
<b>B. Residential Uses</b>						
1.	Bed and breakfast	A	A	A	A	X
2.	Day care facility serving more than six clients	P	P	P	P	P
3.	Group homes and small licensed residential care facilities (see section 90-261 et seq.)					
	a. Small licensed residential care facility	P	X	X	X	X
	b. Large group home (10 or fewer residents)	C	C	X	X	X
	c. Large group home (11 or more residents)	C	C	X	X	X
	d. Small group home	A	C	X	X	X
4.	Home occupation in an existing single-family home subject to the requirements of section 90-72	P	P	P	P	P
5.	Household pets in an existing single-family home including, but not limited to, dogs, pot belly pigs, and cats when on the site of an existing residential unit subject to the requirements of section 90-77	P	P	P	P	P
6.	Mixed use, an integrated mix of residential and nonresidential uses on a single site	X	X	C	C	X
7.	Mobile home park, recreational vehicle park, or travel trailer park	X	X	X	X	C
8.	Multiple-family residence subject to the requirements of the R-3 zone development standards	C	X	X	X	X
9.	Rented room, a maximum of one room, within an	P	P	P	P	P

15.	Cemetery and/or mortuary					
	a. Cemetery without mortuary or crematorium	C	C	C	C	C
	b. Cemetery with mortuary	C	C	C	C	C
	c. Cemetery with crematorium	X	X	X	C	C
	d. Mortuary without cemetery	X	X	X	C	C
	e. Crematorium without cemetery	X	X	X	C	C
16.	Communication services without assembly or manufacturing	X	X	C	C	C
17.	Conversion of Large Retail Commercial Building (subject to requirements of Section 90-897(d) et seq.)	X	X	C	C	C
18.	Drive-through or drive-in facility including, but not limited to, dry cleaners, fast food restaurants, and pharmacies	X	X	C	C	C
19.	Department store	X	X	P	P	P
20.	Equipment rental including, but not limited to, moving and construction vehicles and equipment	X	X	X	C	C
21.	Flower or produce stand					
	a. Permanent	X	X	A	A	A
	b. Nonpermanent as a temporary use subject to section 90-73	X	X	P	P	P
22.	Fortune telling	X	X	C	C	C
23.	Gasoline station including self service or full service facilities					
	a. As a primary use (offered for sale) on the site subject to the regulations listed in section 90-897(b). All vehicle fuel storage tanks shall be underground. Aboveground propane, natural, and other similar fuel gas tanks may be permitted when setback at least 50 feet from the public right-of-way, installed in accordance with the Uniform Fire Code, applicable state and federal laws, and screened in accordance with subsection 90-895(10)	X	X	C	C	C
	b. Gasoline pumps as an accessory use and where fuel is not offered for sale	X	X	A	A	A
	c. Including Mini-Mart with or without alcohol sales pursuant to Section 90-90	X	C	C	C	C
24.	Graphics production	P	P	P	P	P
25.	Grocery stores and bulk food outlets	X	A	A	A	A
26.	Hookah or Smoking Lounge	X	X	X	X	X
27.	Hotel or motel	C	C	C	C	C
28.	Liquor or Convenience Store pursuant to Section	X	X	X	C	C

# Attachment No. 2

Planning Commission  
Resolution No. 13-010

City Council  
July 9, 2013



CITY OF HEMET  
Hemet, California

PLANNING COMMISSION  
RESOLUTION NO. 13-010

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING ORDINANCE AMENDMENT NO. 13-005, AN ORDINANCE AMENDING ARTICLE XXVI "SPECIAL DEVELOPMENT REQUIREMENTS" FOR COMMERCIAL ZONES OF CHAPTER 90 OF THE HEMET MUNICIPAL CODE.

**WHEREAS**, pursuant to Government Code sections 65854 and 65855, the Planning Commission has the authority to review and make recommendations to the City Council regarding amendments to the City's zoning ordinances; and

**WHEREAS**, on June 6, 2013, the City gave public notice by publishing notice in the Press Enterprise of the holding of a public hearing at which the amendment to the City's zoning ordinances would be considered; and

**WHEREAS**, on June 18, 2013 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the proposed amendment to the City's zoning ordinance and at which time the Planning Commission considered the proposed amendment to the City's zoning ordinance; and

**WHEREAS**, the City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect of the environment; and

**WHEREAS**, attached as Exhibit "A" is the proposed Ordinance.

**NOW, THEREFORE**, the Planning Commission of the City of Hemet does Resolve, Determine, Find and Order as follows:

---

Planning Commission Resolution Bill No. 13-010  
ZONING ORDINANCE AMENDMENT NO. 13-005  
Conversion of Large Retail Commercial Buildings

1 **SECTION 1: ENVIRONMENTAL FINDINGS**

2  
3 The Planning Commission, in light of the whole record before it, including but not limited  
4 to, the City's Local CEQA Guidelines and Thresholds of Significance, the direction of  
5 the Planning Commission at its meeting on June 18, 2013 and documents incorporated  
6 therein by reference, and any other evidence (within the meaning of Public Resources  
7 Code Sections 21080(e) and 21082.2) within the record or provided at the public  
8 hearing of this matter, hereby finds and determines as follows:

9 1. **CEQA:** The City has analyzed this proposed project and has determined that it is  
10 exempt from the California Environmental Quality Act ("CEQA") under section  
11 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects  
12 that have the potential for causing a significant effect on the environment. Where as  
13 here, it can be seen with certainty that there is no possibility that the activity in question  
14 may have a significant effect on the environment, the activity is not subject to CEQA.  
15 The addition of this section to Chapter 90 only relates to regulations for the conversion  
16 of large retail commercial buildings. It does not relate to any physical project and will  
17 not result in any physical change to the environment. Therefore, it can be seen with  
18 certainty that there is no possibility that this Ordinance may have a significant adverse  
19 effect on the environment, and therefore the adoption of this Ordinance is exempt from  
20 CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

21  
22 **SECTION 2: ZONING ORDINANCE AMENDMENT FINDINGS**

23 Pursuant to Hemet Municipal Code Section 90-41.5(a), the Planning Commission  
24 makes the following findings with respect to this zoning ordinance amendment:

25 1. *The zoning ordinance amendment is in conformance with the latest adopted general*  
26 *plan for the City.*

27  
28 The proposed zoning ordinance amendment is in conformance with the latest  
29 adopted general plan for the City in that adopting regulations and provisions for the  
30 conversion of large retail commercial buildings does not conflict with any allowable  
31 uses in the land use element and does not conflict with any policies or programs in  
32 any other element of the general plan. This Ordinance is in conformance with  
33 several fundamental objectives of the City's General Plan, including:

34  
35 1. **Policy LU-4.3 – Infill Development and Re-Use** *“Actively promote the adaptive re-use*  
36 *and infill of economically underutilized, obsolete, and dilapidated commercial and*  
37 *industrial sites, and foster rehabilitation consistent with surrounding uses and needs of*  
38 *the community.”*

39  
40 2. **Policy LU-8.1 – Desirable Commercial Uses** *“Promote and recruit desirable*  
41 *commercial and office uses within the Florida Avenue corridor that serve a citywide or*  
42 *regional customer base.”*

1 3. Policy LU-15.1 – Balance of Land Uses “Through the General Plan Land Use and  
2 Zoning Maps, establish a balance of land use opportunities for jobs, housing, and  
3 services, within the community that help achieve the mobility, access, open space, and  
4 air quality goals and polices of the City.”

5 2. The zoning ordinance amendment will protect the public health, safety and welfare.

6 The Zoning Ordinance Amendment protects the public health, safety and general  
7 welfare of the City and its residents by requiring a detailed review of the proposal by  
8 the Planning Commission in considering the conversion of large retail commercial  
9 buildings subject to the Conditional Use Permit process.

10  
11 **SECTION 3: PLANNING COMMISSION ACTIONS**

12  
13 The Planning Commission hereby takes the following actions:

14 1. The Planning Commission approves Resolution No. 13-010 recommending that  
15 the City Council adopt the proposed Ordinance which is attached hereto and  
16 incorporated herein by reference as Exhibit “A.”

17  
18  
19 **PASSED, APPROVED AND ADOPTED** this 18<sup>th</sup> day of June, 2013, by the  
20 following vote:

21  
22 **AYES:**

23 **NOES:**

24 **ABSTAIN:**

25 **ABSENT:**

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30 \_\_\_\_\_  
31 John Gifford, Chairman  
32 Hemet Planning Commission

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37 ATTEST:

\_\_\_\_\_  
Nancie Shaw, Records Secretary  
Hemet Planning Commission

**Planning Commission Resolution Bill No. 13-010  
ZONING ORDINANCE AMENDMENT NO. 13-005  
Conversion of Large Retail Commercial Buildings**



*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 *RSB*

DATE: July 9, 2013

RE: Resolutions approving the Engineer's Reports and levy and collection of assessments for the existing Hemet Streetlight and Landscape Maintenance Districts for Fiscal Year 2013-2014.

**RECOMMENDED ACTION:**

It is recommended that the City Council hold the public hearing regarding the Engineer's Reports and levy and collection of assessments for the existing Hemet Streetlight and Landscape Maintenance Districts. It is further recommended to then adopt the resolutions approving the Engineer's Reports and levy and collection of assessments for the existing Hemet Streetlight and Landscape Maintenance Districts for Fiscal Year 2013-2014.

**BACKGROUND:**

The City Council, on 6/25/13, approved Resolution No. 4540 and 4542 initiating proceedings and approved Resolution No. 4541 and 4543 declaring its intention to levy annual assessments for all existing Streetlight and Landscape Maintenance Districts and to levy and collect assessments against lots and parcels within such districts.

The Streetlight assessment against the lots and parcels of land within the assessment district will pay for the operation, maintenance, and servicing of streetlights and appurtenant structures.

The Landscape assessments against the lots and parcels of land within the assessments 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.

**COORDINATION & REVIEW:**

The assessment engineer's report has been prepared and is on file with the City Clerk. A public notice has been published in the Press Enterprise regarding the proposed annual streetlight and landscape assessments for Fiscal Year 2013-14.

**FISCAL IMPACT:**

The total proposed citywide landscape maintenance district assessment for the fiscal year 2013-14 is \$1,810,949. The total proposed citywide streetlight maintenance district assessment for the fiscal year 2013-14 is \$1,126,655.

Respectfully submitted,



Rita Conrad  
Deputy City Manager/Administrative Services

Attachments:       SMD Resolution Bill No. 13-032  
                          SMD Resolution Bill No. 13-033  
                          SMD Engineer's Report  
                          LMD Resolution Bill No. 13-034  
                          LMD Resolution Bill No. 13-035  
                          LMD Engineer's Report  
                          Rate Comparison Sheets 1 & 2

**City of Hemet**  
**Lighting & Landscape Maintenance Districts**  
**FY 13/14 Levy Rate per EBU**

District	FY 2013/2014 Levy Rate per EBU	FY 2012/2013 Levy Rate per EBU
LMD ORIGINAL DISTRICTS	varies	varies
LMD STONEY MTN 19-4	\$ 203.06	\$ 129.68
LMD HEARTLAND 19-5	\$ 281.06	\$ 113.00
LMD PACIFIC GREEN 20	\$ -	\$ -
LMD COLLTONWOOD 22	\$ 316.94	\$ 242.80
LMD CREAM 23	\$ 168.10	\$ 161.64
LMD MONTANA 23-1	\$ 112.06	\$ 107.76
LMD WILDFLOWER 23-2A	\$ 59.20	\$ 56.92
LMD WOODCREST 23-2B	\$ -	\$ 77.84
LMD COVENANT 23-3	\$ 269.40	\$ 259.04
LMD AUTUMN RIDGE 23-4 & 44	\$ 630.52	\$ 606.26
LMD MENLO ESTATES 23-5	\$ 96.00	\$ 118.60
LMD MENLO ESTATES II 23-5B	\$ 63.98	\$ 143.44
LMD KALPESH A 24	\$ 377.28	\$ 329.28
LMD KALPESH B 24	\$ 138.06	\$ 132.74
LMD FLORIDA AVE 25	\$ 1.52	\$ 1.46
LMD WILLOWWALK 26	\$ 18.00	\$ -
LMD FLOWERWOOD 27	\$ -	\$ 490.04
LMD PEPPERTREE 29	\$ -	\$ -
LMD HIDEAWAY 33	\$ -	\$ -
LMD ENCLAVE 35	\$ -	\$ 168.74
LMD McSWEENEY 36	\$ -	\$ -
LMD MONTERO 37	\$ 385.92	\$ 67.90
LMD SV INVESTMENTS 39	\$ 26.30	\$ 25.30
LMD EMERSON 42	\$ 31.86	\$ -
LMD PALOMINO 43	\$ 185.24	\$ 178.12
LMD VILLA DE MADRID 46	\$ -	\$ -
LMD RANCHO DIAMONTE 47	\$ -	\$ -
LMD SALVATION ARMY	\$ -	\$ -
LMD SEVEN HILLS APTS	\$ -	\$ 154.88
LMD PRINCE of PEACE	\$ -	\$ -
LMD HABITAT FOR HUMANITY	\$ 2,150.12	\$ -
LMD SAHARA /OASIS SENIOR VILLAS	\$ 1,797.54	\$ 1,607.42

**City of Hemet**  
**Lighting & Landscape Maintenance Districts**  
**FY 13/14 Levy Rate per EBU**

District	FY 2013/2014 Levy Rate per EBU	FY 2012/2013 Levy Rate per EBU
SMD ORIGINAL DISTRICTS	\$ 0.98	\$ 0.98
SMD STONEY MTN 19-4	\$ -	\$ -
SMD HEARTLAND 19-5	\$ -	\$ -
SMD PARKHILL 19-PHR	\$ 44.00	\$ 54.36
SMD PACIFIC GREEN 20A	\$ -	\$ -
SMD ORCHARD 20B	\$ -	\$ -
SMD N. ANNEXATION 21	\$ 44.42	\$ 50.16
SMD COTTONWOOD 22	\$ 49.26	\$ 49.56
SMD CREAM 23	\$ 60.64	\$ 9.00
SMD MONTANA 23-1	\$ 47.14	\$ 15.38
SMD WOODCREST 23-2B	\$ 62.38	\$ 47.84
SMD COVENANT 23-3	\$ 18.62	\$ 10.88
SMD AUTUMN RIDGE 23-4	\$ 21.50	\$ 17.22
SMD MENLO ESTATES 23-5	\$ 26.04	\$ 36.72
SMD MENLO ESTATES II 23-5B	\$ 9.28	\$ -
SMD KALPESH A & B 24	\$ -	\$ 23.64
SMD FLOWERWOOD 25	\$ -	\$ -
SMD WILLOWALK 26	\$ -	\$ -
SMD DURANGO 27	\$ -	\$ -
SMD PEPPERTREE 29	\$ -	\$ 8.24
SMD HORSESHOE 31	\$ 110.90	\$ -
SMD HIDEAWAY 33	\$ -	\$ -
SMD ENCLAVE 35	\$ 46.84	\$ -
SMD McSWEENEY 36	\$ 19.24	\$ -
SMD MONTERO 37	\$ 82.98	\$ 8.36
SMD SV INVESTMENTS 39	\$ 25.66	\$ 52.84
SMD EMERSON 42	\$ 36.62	\$ -
SMD PALOMINO 43	\$ 42.00	\$ -
SMD VILLA DE MADRID 46	\$ 16.22	\$ 15.60
SMD RANCHO DIAMONTE 47	\$ -	\$ -
SMD CLEAN STREAK & ESPLANADE 49	\$ -	\$ -
SMD GUARANTY, PROMENADE, SANDERSON & DEVONSHIRE 50	\$ 1.86	\$ 0.70
SMD SALVATION ARMY	\$ -	\$ -
SMD SEVEN HILLS	\$ 0.68	\$ 1.53
SMD PRINCE of PEACE	\$ 1.60	\$ -
SMD HABITAT FOR HUMANITY	\$ 1.64	\$ 1.06
SMD SAHARA / OASIS SENIOR VILLAS	\$ 1.44	\$ -

Printed at: 8:58 am

on: Wednesday, Jun 26, 2013

Ad #: 0001078293

Order Taker: Maria Tinajero



Classified Advertising

Proof

3450 Fourteenth St.  
Riverside, CA 92501-3878

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(951) 684-1200

(951) 368-9006 Fax

**Account Information**

Phone #: 9517652330  
Name: HEMET, CITY OF / FINANCE  
Address: 445 E FLORIDA AVE  
HEMET, CA 92543  
USA

Account # 100141887  
Client: HEMET, CITY OF / FINANCE  
Placed By: Vao Helsham  
Fax #: 9517652337

**Ad Information**

Classification: EN CLS Legals Hemet News  
Publication: EN Zone East, EN PE.com

Start Date: 06/28/2013  
Stop Date: 06/28/2013  
Insertions: 1 print / 1 online

Rate code: EN LGL HN City Legal  
Ad type: EN CLS 10 Liner

Size: 2 X 51.00 Li  
Bill Size:

Amount Due: **60.60**

**Ad Copy:**

**CITY OF HEMET  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Council of the City of Hemet, at its regular meeting on Tuesday July 9, 2013, at 7:00 P.M., in the Council Chambers 450 E. Latham Ave, Hemet, California, to consider adoption of the following:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA AMENDING AND/OR APPROVING THE ANNUAL ENGINEER'S REPORT FOR THE EXISTING LANDSCAPE MAINTENANCE DISTRICTS FOR FISCAL YEAR 2013-2014**

and

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE EXISTING LANDSCAPE MAINTENANCE DISTRICTS FOR FISCAL YEAR 2013-2014**

and

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA AMENDING AND/OR APPROVING THE ANNUAL ENGINEER'S REPORT FOR THE EXISTING STREETLIGHT MAINTENANCE DISTRICTS FOR FISCAL YEAR 2013-2014**

and

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE EXISTING STREETLIGHT MAINTENANCE DISTRICTS FOR FISCAL YEAR 2013-2014**

Those persons who wish to testify either for or against the adoption of said Resolutions will have the opportunity to do so at this time. Resolutions and Engineer's Reports are available for inspection at the office of the City Clerk, 445 E. Florida Avenue, Hemet, California 92543.

6/28



CITY OF HEMET  
Hemet, California  
RESOLUTION BILL NO. 13-032

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS 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 initiated proceedings for the Districts, declared its intention to levy assessments for Fiscal Year 2013/2014, and approved the Fiscal Year 2013/2014 Consolidated Engineer's Report (hereinafter referred to as the "Report") that describes the assessments against parcels of land within the Districts known as "Streetlight Maintenance Districts" (hereafter referred to as the "Districts") for the Fiscal Year commencing July 1, 2013 and ending June 30, 2014 pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, (commencing with Section 22500)* (hereinafter referred to as the "Act") to pay for the maintenance and services of improvements and facilities related thereto; and,

**WHEREAS**, a Report has been prepared and filed with the City Clerk, and the City Clerk has presented to the City Council said Report in connection with the proposed levy and collection of assessments upon eligible parcels of land within the Districts and the City Council did by previous Resolution approve such Report; and,

**WHEREAS** the City Council desires to levy and collect assessments against parcels of land within the Districts for the Fiscal Year commencing July 1, 2013 and ending June 30, 2014 to pay for the maintenance and services of improvements and facilities related thereto.

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

Section 1. Following notice duly given, the City Council has held a full and fair public hearing regarding the Districts, the levy and collection of assessments, the Report prepared in connection therewith, and considered oral and written statements, protests and communications made or filed by interested persons regarding these matters.

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2           Section 2. Based upon its review of the Report (and amendments, as  
3 applicable), the City Council hereby finds and determines that:  
4

- 5           a) The land parcels within the Districts will be benefited by the  
6 operation, maintenance and servicing of the improvements located  
7 within the boundaries of the Districts; and,  
8           b) The Districts include the parcels of land so benefited; and,  
9           c) The net amount to be assessed upon the parcels of land within the  
10 Districts for the Fiscal Year commencing July 1, 2013 and ending  
11 June 30, 2014 is apportioned by a formula and method which fairly  
12 distributes the net amount among eligible parcels in proportion to  
13 the estimated special benefits to be received by each parcel from  
14 the improvements and services.

15           Section 3. The Report and assessments as presented to the City  
16 Council and on file in the Office of the City Clerk are hereby confirmed as filed.  
17

18           Section 4. The maintenance, operation and servicing of the  
19 improvements shall be performed pursuant to the Act. The City Council hereby orders  
20 the proposed improvements to be made and maintained as set forth in the Report.  
21

22           Section 5. City Council has appointed Willdan Financial Services for the  
23 purpose of assisting with the Annual Levy of the Districts, and is hereby authorized and  
24 directed to file the levy with the County Auditor upon adoption of this Resolution,  
25 pursuant to *Chapter 4, Article 1, Section 22641* of the Act.  
26

27           Section 6. The County Auditor of the County of Riverside shall enter on  
28 the County Assessment Roll opposite each eligible parcel of land the amount of levy so  
29 apportioned by the formula and method outlined in the Report, and such levies shall be  
30 collected at the same time and in the same manner as the County taxes are collected,  
31 pursuant to *Chapter 4, Article 2, Section 22646* of the Act. After collection by the  
32 County, the net amount of the levy shall be paid to the City Treasurer.  
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34           Section 7. The City Treasurer shall deposit money representing  
35 assessments collected by the County for the Districts to the credit of funds for the  
36 existing Streetlight Maintenance Districts, and such money shall be expended only for  
37 the maintenance, operation and servicing of the improvements described in the Report.  
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39           Section 8. The adoption of this Resolution constitutes the Districts'  
40 levies for the Fiscal Year commencing July 1, 2013 and ending June 30, 2014.  
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PASSED, APPROVED, AND ADOPTED this 9th day of July, 2013.

\_\_\_\_\_  
Robert Youssef, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Sarah McComas, City Clerk

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Eric S. Vail, City Attorney

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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 9th day of July, 2013 by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

\_\_\_\_\_  
Sarah McComas, City Clerk



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**CITY OF HEMET**  
**Hemet, California**  
**RESOLUTION BILL NO. 13-033**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, AMENDING AND/OR APPROVING THE ANNUAL ENGINEER'S REPORT 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 ordered the preparation of the Fiscal Year 2013/2014 Consolidated Engineer's Report (hereafter referred to as the "Report") for the Districts known as "Streetlight Maintenance Districts" (hereafter referred to as the "Districts") for the fiscal year commencing July 1, 2013 and ending June 30, 2014 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") ; and

**WHEREAS**, there has been presented to this City Council the Report as required by Chapter 3, Section 22623 of said Act and as previously directed by Resolution; and,

**WHEREAS**, the City Council has carefully examined and reviewed the Report as presented and is satisfied with each of the items and documents as set forth therein and is satisfied that the levy has been spread in accordance with the benefits received from the improvements, operation, maintenance and services to be performed, 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. The Report as presented, consists of the following:

- a) A Description of the Districts and Improvements.
- 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.
- e) A Listing of the proposed assessment for each Assessor's Parcel Number within the Districts for Fiscal Year 2013/2014.

Section 3. The Report as presented is hereby approved (subject to modifications and amendments directed by the City Council at the Public Hearing) and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open for public inspection.

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, and the minutes of the meeting shall so reflect the presentation and approval of the Report.

PASSED, APPROVED, AND ADOPTED this 9th day of July, 2013.

\_\_\_\_\_  
Robert Youssef, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Sarah McComas, City Clerk

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Eric S. Vail, City Attorney

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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 9th day of July, 2013 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Sarah McComas, City Clerk



CITY OF HEMET  
Hemet, California  
RESOLUTION BILL NO. 13-034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
HEMET, CALIFORNIA, ORDERING THE LEVY AND  
COLLECTION OF ASSESSMENTS 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 initiated proceedings for the Districts, declared its intention to levy assessments for Fiscal Year 2013/2014, and approved the Fiscal Year 2013/2014 Consolidated Engineer's Report (hereinafter referred to as the "Report") that describes the assessments against parcels of land within the Districts known as "Landscape Maintenance Districts" (hereafter referred to as the "Districts") for the Fiscal Year commencing July 1, 2013 and ending June 30, 2014 pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, (commencing with Section 22500)* (hereinafter referred to as the "Act") to pay for the maintenance and services of improvements and facilities related thereto; and,

**WHEREAS**, a Report has been prepared and filed with the City Clerk, and the City Clerk has presented to the City Council said Report in connection with the proposed levy and collection of assessments upon eligible parcels of land within the Districts and the City Council did by previous Resolution approve such Report; and,

**WHEREAS** the City Council desires to levy and collect assessments against parcels of land within the Districts for the Fiscal Year commencing July 1, 2013 and ending June 30, 2014 to pay for the maintenance and services of improvements and facilities related thereto.

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

Section 1. Following notice duly given, the City Council has held a full and fair public hearing regarding the Districts, the levy and collection of assessments, the Report prepared in connection therewith, and considered oral and written statements, protests and communications made or filed by interested persons regarding these matters.

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2           Section 2. Based upon its review of the Report (and amendments, as  
3 applicable), the City Council hereby finds and determines that:  
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- 5           a) The land parcels within the Districts will be benefited by the  
6 operation, maintenance and servicing of the improvements located  
7 within the boundaries of the Districts; and,  
8           b) The Districts include the parcels of land so benefited; and,  
9           c) The net amount to be assessed upon the parcels of land within the  
10 Districts for the Fiscal Year commencing July 1, 2013 and ending  
11 June 30, 2014 is apportioned by a formula and method which fairly  
12 distributes the net amount among eligible parcels in proportion to  
13 the estimated special benefits to be received by each parcel from  
14 the improvements and services.

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16           Section 3. The Report and assessments as presented to the City  
17 Council and on file in the Office of the City Clerk are hereby confirmed as filed.  
18

19           Section 4. The maintenance, operation and servicing of the  
20 improvements shall be performed pursuant to the Act. The City Council hereby orders  
21 the proposed improvements to be made and maintained as set forth in the Report.  
22

23           Section 5. City Council has appointed Willdan Financial Services for the  
24 purpose of assisting with the Annual Levy of the Districts, and is hereby authorized and  
25 directed to file the levy with the County Auditor upon adoption of this Resolution,  
26 pursuant to *Chapter 4, Article 1, Section 22641* of the Act.  
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28           Section 6. The County Auditor of the County of Riverside shall enter on  
29 the County Assessment Roll opposite each eligible parcel of land the amount of levy so  
30 apportioned by the formula and method outlined in the Report, and such levies shall be  
31 collected at the same time and in the same manner as the County taxes are collected,  
32 pursuant to *Chapter 4, Article 2, Section 22646* of the Act. After collection by the  
33 County, the net amount of the levy shall be paid to the City Treasurer.  
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35           Section 7. The City Treasurer shall deposit money representing  
36 assessments collected by the County for the Districts to the credit of funds for the  
37 existing Landscape Maintenance Districts, and such money shall be expended only for  
38 the maintenance, operation and servicing of the improvements described in the Report.  
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40           Section 8. The adoption of this Resolution constitutes the Districts'  
41 levies for the Fiscal Year commencing July 1, 2013 and ending June 30, 2014.  
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PASSED, APPROVED, AND ADOPTED this 9th day of July, 2013.

\_\_\_\_\_  
Robert Youssef, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Sarah McComas, City Clerk

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Eric S. Vail, City Attorney

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State of California            )  
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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 9th day of July, 2013 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Sarah McComas, City Clerk



CITY OF HEMET  
Hemet, California  
RESOLUTION BILL NO. 13-035

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, AMENDING AND/OR APPROVING THE ANNUAL ENGINEER'S REPORT 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 ordered the preparation of the Fiscal Year 2013/2014 Consolidated Engineer's Report (hereafter referred to as the "Report") for the Districts known as "Landscape Maintenance Districts" (hereafter referred to as the "Districts") for the fiscal year commencing July 1, 2013 and ending June 30, 2014 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") ; and

**WHEREAS**, there has been presented to this City Council the Report as required by Chapter 3, Section 22623 of said Act and as previously directed by Resolution; and,

**WHEREAS**, the City Council has carefully examined and reviewed the Report as presented and is satisfied with each of the items and documents as set forth therein and is satisfied that the levy has been spread in accordance with the benefits received from the improvements, operation, maintenance and services to be performed, as set forth in said Report.

**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. The Report as presented, consists of the following:

- a) A Description of the Districts and Improvements.
- 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.
- e) A Listing of the proposed assessment for each Assessor's Parcel Number within the Districts for Fiscal Year 2013/2014.

Section 3. The Report as presented is hereby approved (subject to modifications and amendments directed by the City Council at the Public Hearing) and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open for public inspection.

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, and the minutes of the meeting shall so reflect the presentation and approval of the Report.

PASSED, APPROVED, AND ADOPTED this 9th day of July, 2013.

\_\_\_\_\_  
Robert Youssef, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Sarah McComas, City Clerk

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Eric S. Vail, City Attorney

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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 9th day of July, 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**

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

[www.willdan.com/financial](http://www.willdan.com/financial)

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

# 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 11<sup>th</sup> day of June, 2013.

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

By: *Stacey Reynolds*

Stacey Reynolds, Senior Project Manager  
District Administration Services

By: *Richard Kopecky*

Richard Kopecky  
R. C. E. # 16742



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## **I. OVERVIEW**

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### **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 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 XIII C and XIII D 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 XIII D (“Article XIII D”).

Pursuant to Article XIID Section 5, certain existing assessments (those that existed on or before November 6, 1996) are exempt from the substantive and procedural requirements of Article XIID 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 XIID, Section 4, which included mailed ballot and protest hearing proceedings.

## ***II. PLANS AND SPECIFICATIONS***

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### **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

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#### 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 XIID requires that a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. Article XIID provides that only special benefits are assessable and the City must separate the general benefits from the special benefits.

**General Benefit:** Article XIID 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 XIID 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:

<u>Land-Use Category</u>	<u>UOB Factor</u>
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:

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

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 <sup>(1)</sup>	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
<b>Totals</b>	<b>978,842</b>	<b>1,002,345</b>		<b>\$982,298</b>

(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 XIID.

## IV. DISTRICT BUDGETS

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### 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 DISTRICT NO. COUNTY FUND NO. CITY ACCOUNT NO.  TRACT/PARCEL MAP NO.	ORIGINAL DISTRICTS	STONEY MTN	HEARTLAND	PARKHILL	PACIFIC GREEN	ORCHARD
		19-4	19-5	19-PHR	20A	20B
	68-2405 <sup>(1)(2)</sup> & 68-2407 <sup>(2)(3)</sup> 225-8250, 0113	68-2393 227-8266, 0108	68-2391 227-8265, 0107	68-2408 227-8260, 0101	68-8613 227-8263, 0104	68-8605 227-8262, 0103
	MULTIPLE	TR 29129	TR 28286-9, -10, -11		TR 28555	TR 25168
<b>2013/2014:</b>						
<b>DIRECT EXPENSES</b>						
Street Lighting - Utilities	\$390,070	\$5,000	\$3,500	\$19,300	\$1,500	\$2,200
Labor Costs	31,998	2,070	7,851	3,689	844	1,137
Maintenance and Operations (Total)	69,840	5,910	22,451	9,988	3,094	3,848
Maintenance and Operations (Allocated)	0	3,910	14,451	8,988	1,594	2,148
Maintenance and Operations (District Specific)	69,840	2,000	8,000	3,000	1,500	1,500
<b>Direct Expenses Subtotal</b>	<b>\$491,708</b>	<b>\$12,980</b>	<b>\$33,602</b>	<b>\$32,967</b>	<b>\$5,437</b>	<b>\$6,985</b>
<b>ADMINISTRATION EXPENSES</b>						
Personnel/Overhead (Net of Estimated Interest)	\$108,180	\$549	\$1,812	\$1,300	\$241	\$317
Professional Fees (Net of Estimated Interest)	8,600	359	1,185	850	158	207
Miscellaneous/County Fees	8,383	0	0	566	0	0
<b>Administration Expenses Subtotal</b>	<b>\$123,123</b>	<b>\$908</b>	<b>\$2,997</b>	<b>\$2,717</b>	<b>\$399</b>	<b>\$525</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>						
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
<b>Total Adjustments</b>	<b>\$367,467</b>	<b>(\$13,888)</b>	<b>(\$36,599)</b>	<b>(\$4,689)</b>	<b>(\$5,836)</b>	<b>(\$7,510)</b>
<b>BALANCE TO LEVY FISCAL YEAR 2013/2014:</b>	<b>\$982,298</b>	<b>\$0</b>	<b>\$0</b>	<b>\$30,986</b>	<b>\$0</b>	<b>\$0</b>
<b>DISTRICT STATISTICS</b>						
Total Parcels	15,083	320	1,558	704	161	220
Total Assessable Parcels	15,892	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
<b>2013/2014: Levy Rate per EBU</b>	<b>\$0.98</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$44.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>2013/2014: Maximum Levy Rate per EBU</b>	<b>\$0.98</b>	<b>\$75.43</b>	<b>\$75.43</b>	<b>\$67.29</b>	<b>\$81.59</b>	<b>\$81.59</b>
<b>Total Assessment Allowable</b>	<b>\$982,298</b>	<b>\$29,796</b>	<b>\$110,133</b>	<b>\$47,369</b>	<b>\$13,136</b>	<b>\$17,706</b>
<b>2012/2013: Levy Rate per EBU</b>	<b>\$0.98</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$54.36</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>2012/2013: Total Levy</b>	<b>\$982,338.24</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$38,269.44</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>DISTRICT FUNDS:</b>						
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	387,467	(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
<b>Estimated Percentage of Improvements Maintained</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>HISTORICAL RATES:</b>						
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	8.12	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	59.81	59.81	53.18	57.32	57.32
Fiscal Year 2007/08	0.98	57.32	57.32	51.13	56.12	56.12
Fiscal Year 2006/07	0.98	56.12	56.12	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-A, 19-4, 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, Home Center for Mental Excellence, Toyota 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 DISTRICT NO. COUNTY FUND NO. CITY ACCOUNT NO.	N. ANNEXATION	COTTONWOOD	CREAN	MONTANA	WOODCREST	COVENANT
	21 68-2412 227-8261, 0102	22 68-8608 227-8272, 0135	23 68-2395 227-8264, 0106	23-1 68-2397 227-8267, 0109	23-2B 68-8602 227-8270, 0133	23-3 68-8599 227-8268, 0131
TRACT/PARCEL MAP NO.		TR 30558, -1 & -2	TR 28581	TR 29674	TR 30689, -1 & 2	TR 29581
<b>2013/2014:</b>						
<b>DIRECT EXPENSES</b>						
Street Lighting - Utilities	\$6,600	\$6,500	\$2,000	\$1,000	\$5,000	\$1,000
Labor Costs	1,389	1,650	692	356	891	288
Maintenance and Operations (Total)	5,123	12,182	3,806	2,173	6,683	2,044
Maintenance and Operations (Allocated)	2,823	3,882	1,306	673	1,683	544
Maintenance and Operations (District Specific)	2,500	8,500	2,500	1,500	5,000	1,500
<b>Direct Expenses Subtotal</b>	<b>\$13,112</b>	<b>\$20,631</b>	<b>\$6,498</b>	<b>\$3,529</b>	<b>\$12,574</b>	<b>\$3,333</b>
<b>ADMINISTRATION EXPENSES</b>						
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
<b>Administration Expenses Subtotal</b>	<b>\$1,184</b>	<b>\$1,680</b>	<b>\$696</b>	<b>\$466</b>	<b>\$1,026</b>	<b>\$438</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>						
<b>Total Fiscal Year 2013/2014 Direct and Administrative Expenses</b>	<b>\$14,296</b>	<b>\$22,312</b>	<b>\$7,194</b>	<b>\$3,995</b>	<b>\$13,600</b>	<b>\$3,770</b>
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
<b>Total Adjustments</b>	<b>(\$2,520)</b>	<b>(\$3,983)</b>	<b>\$813</b>	<b>(\$789)</b>	<b>(\$2,995)</b>	<b>(\$2,746)</b>
<b>BALANCE TO LEVY FISCAL YEAR 2013/2014:</b>	<b>\$11,776</b>	<b>\$18,329</b>	<b>\$8,007</b>	<b>\$3,206</b>	<b>\$10,605</b>	<b>\$1,024</b>
<b>DISTRICT STATISTICS</b>						
Total Parcels	286	378	137	69	182	56
Total Assessable Parcels	285	372	132	68	170	55
Total Equivalent Benefit Unit (EBU)	265.00	372.00	132.00	68.00	170.00	55.00
<b>2013/2014: Levy Rate per EBU</b>	<b>\$44.42</b>	<b>\$49.26</b>	<b>\$60.64</b>	<b>\$47.14</b>	<b>\$62.38</b>	<b>\$18.62</b>
<b>2013/2014: Maximum Levy Rate per EBU</b>	<b>\$79.92</b>	<b>\$98.21</b>	<b>\$77.86</b>	<b>\$75.43</b>	<b>\$111.02</b>	<b>\$99.18</b>
<b>Total Assessment Allowable</b>	<b>\$21,180</b>	<b>\$36,534</b>	<b>\$10,277</b>	<b>\$5,129</b>	<b>\$18,873</b>	<b>\$6,455</b>
<b>2012/2013: Levy Rate per EBU</b>	<b>\$50.16</b>	<b>\$49.56</b>	<b>\$9.00</b>	<b>\$15.38</b>	<b>\$47.84</b>	<b>\$10.88</b>
<b>2012/2013: Total Levy</b>	<b>\$13,292.40</b>	<b>\$18,436.32</b>	<b>\$1,188.00</b>	<b>\$1,045.84</b>	<b>\$8,132.80</b>	<b>\$598.40</b>
<b>DISTRICT FUNDS:</b>						
<b>Estimated Reserve Fund Beginning Balance 7/1/2013</b>	<b>\$11,904</b>	<b>\$19,591</b>	<b>\$2,992</b>	<b>\$2,448</b>	<b>\$11,765</b>	<b>\$4,209</b>
2013/2014: Reserve Fund Adjustments	(2,520)	(3,983)	813	(789)	(2,995)	(2,746)
<b>Anticipated Reserve Balance 6/30/2014</b>	<b>9,384</b>	<b>15,608</b>	<b>3,805</b>	<b>1,658</b>	<b>8,770</b>	<b>1,463</b>
<b>Beginning CIP Fund Balance 7/1/2013</b>	<b>\$1,110</b>	<b>\$1,110</b>	<b>\$1,110</b>	<b>\$1,110</b>	<b>\$1,110</b>	<b>\$1,110</b>
CIP Fund Adjustments	0	0	0	0	0	0
<b>Anticipated CIP Balance 6/30/2014</b>	<b>1,110</b>	<b>1,110</b>	<b>1,110</b>	<b>1,110</b>	<b>1,110</b>	<b>1,110</b>
<b>Estimated Percentage of Improvements Maintained</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>HISTORICAL RATES:</b>						
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 2008/10	N/A	N/A	N/A	N/A	47.78	N/A
Fiscal Year 2008/09	56.14	74.63	59.18	62.00	87.73	78.37
Fiscal Year 2007/08	64.00	71.76	66.89	57.32	84.36	75.36
Fiscal Year 2006/07	61.92	69.00	64.70	55.12	81.12	72.47
Fiscal Year 2005/06	51.92	71.76	62.60	63.00	81.12	69.68

**Notes**

- (1) Fund Number 68-2405 consists of Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 17-A & 18
  - (2) Fund Number 68-2407 consists of Districts 19, 19-1, 19-2, 19-3, 19-4, 19-7 & 19-10.
  - (3) The levy rates for these Districts are set per EBU/parcel, but are apportioned per Unit of Benefit as defined by each parcel's front footage.
  - (4) Includes Covenant Bank commercial rate, Honor Center for Medical Excellence, Toyota on Broadway, Cannons of Center at
  - (5) For the purpose of 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 DISTRICT NO. COUNTY FUND NO. CITY ACCOUNT NO.  TRACT/PARCEL MAP NO.	AUTUMN RIDGE	MENLO ESTATES	MENLO ESTATES II	KALPESH A&B	FLOWERWOOD	WILLOWALK
	23-4	23-5	23-5B	24	25	26
	68-8615 227-8276, 0138	68-8617 227-8277, 0139	68-8619 227-8278, 0140	68-8610 227-8273, 0136	68-8621 227-8279, 0150	68-8623 227-8280, 0151
	TR 30506, 33705	TR 28558	TR 31295	TR 30869, 30969	TR 30158	TR 30041
<b>2013/2014:</b>						
<b>DIRECT EXPENSES</b>						
Street Lighting - Utilities	\$1,500	\$2,000	\$2,000	\$600	\$1,000	\$7,500
Labor Costs	1,226	398	393	257	372	2,238
Maintenance and Operations (Total)	7,318	2,252	2,242	1,985	2,203	15,226
Maintenance and Operations (Allocated)	2,318	752	742	485	703	4,226
Maintenance and Operations (District Specific)	5,000	1,500	1,500	1,500	1,500	11,000
<b>Direct Expenses Subtotal</b>	<b>\$10,042</b>	<b>\$4,651</b>	<b>\$4,635</b>	<b>\$2,842</b>	<b>\$3,575</b>	<b>\$24,964</b>
<b>ADMINISTRATION EXPENSES</b>						
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
<b>Administration Expenses Subtotal</b>	<b>\$1,011</b>	<b>\$529</b>	<b>\$526</b>	<b>\$177</b>	<b>\$232</b>	<b>\$1,542</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>						
<b>Total Fiscal Year 2013/2014 Direct and Administrative Expenses</b>	<b>\$11,053</b>	<b>\$5,179</b>	<b>\$5,161</b>	<b>\$3,019</b>	<b>\$3,807</b>	<b>\$26,506</b>
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
<b>Total Adjustments</b>	<b>(\$6,021)</b>	<b>(\$3,200)</b>	<b>(\$4,464)</b>	<b>(\$3,019)</b>	<b>(\$3,807)</b>	<b>(\$26,506)</b>
<b>BALANCE TO LEVY FISCAL YEAR 2013/2014:</b>	<b>\$5,032</b>	<b>\$1,979</b>	<b>\$696</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>DISTRICT STATISTICS</b>						
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
<b>Total Assessment Allowable</b>	<b>\$19,983</b>	<b>\$7,572</b>	<b>\$5,549</b>	<b>\$6,416</b>	<b>\$7,773</b>	<b>\$46,760</b>
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
<b>DISTRICT FUNDS:</b>						
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
<b>Estimated Percentage of Improvements Maintained</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>HISTORICAL RATES:</b>						
Fiscal Year 2011/12	36.18	69.78	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	37.96	N/A	N/A	30.61	N/A
Fiscal Year 2008/09	64.90	76.71	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	99.61	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 County Bank commercial site, Hensel Center for Medical Excellence, Tanya an Braskley Commercial Center et.
  - (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.	DURANGO	PEPPER TREE	HORSESHOE	HIDEAWAY	ENCLAVE	McSWEENEY
	27 68-8625 227-8281, 0152  TR 31576	29 68-8633 227-8286, 0157  TR 29843	31 68-8626 227-8282, 0153  TR 32131	33 68-8635 227-8287, 0158  TR 24147-1, 31796 (1)	35 68-8627 227-8283, 0159  TR 30724	36 68-8637 227-8288, 0159 TR 32717, 32717-1, -2, -3, -4, -5, -6, & 32529
<b>2013/2014:</b>						
<b>DIRECT EXPENSES</b>						
Street Lighting - Utilities	\$200	\$1,000	\$200	\$0	\$800	\$3,500
Labor Costs	79	239	21	0	84	1,825
Maintenance and Operations (Total)	448	1,851	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
<b>Direct Expenses Subtotal</b>	<b>\$727</b>	<b>\$3,190</b>	<b>\$361</b>	<b>\$0</b>	<b>\$1,542</b>	<b>\$15,693</b>
<b>ADMINISTRATION EXPENSES</b>						
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
<b>Administration Expenses Subtotal</b>	<b>\$47</b>	<b>\$192</b>	<b>\$229</b>	<b>\$76</b>	<b>\$299</b>	<b>\$1,382</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>						
<b>Total Fiscal Year 2013/2014 Direct and Administrative Expenses</b>	<b>\$774</b>	<b>\$3,382</b>	<b>\$590</b>	<b>\$76</b>	<b>\$1,842</b>	<b>\$17,074</b>
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
<b>Total Adjustments</b>	<b>(\$774)</b>	<b>(\$3,382)</b>	<b>(\$146)</b>	<b>(\$76)</b>	<b>(\$1,092)</b>	<b>(\$11,105)</b>
<b>BALANCE TO LEVY FISCAL YEAR 2013/2014:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$444</b>	<b>\$0</b>	<b>\$760</b>	<b>\$6,970</b>
<b>DISTRICT STATISTICS</b>						
Total Parcels	15	226	4	198	16	333
Total Assessable Parcels	15	197	4	193	16	310
Total Equivalent Benefit Unit (EBU)	15.00	458.00	4.00	193.00	18.00	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	\$167.85	\$105.67
<b>Total Assessment Allowable</b>	<b>\$1,367</b>	<b>\$6,569</b>	<b>\$444</b>	<b>\$16,679</b>	<b>\$2,682</b>	<b>\$32,767</b>
2012/2013: Levy Rate per EBU	\$0.00	\$6.24	\$0.00	\$0.00	\$0.00	\$0.00
2012/2013: Total Levy	\$0.00	\$3,767.44	\$0.00	\$0.00	\$0.00	\$0.00
<b>DISTRICT FUNDS:</b>						
Estimated Reserve Fund Beginning Balance 7/1/2013	\$1,526	\$26,330	\$605	\$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	388	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
<b>Estimated Percentage of Improvements Maintained</b>	<b>100%</b>	<b>10%</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>
<b>HISTORICAL RATES:</b>						
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	28.80	10.44	N/A	N/A	N/A	35.18
Fiscal Year 2008/09	71.99	10.04	91.16	65.67	132.50	80.30
Fiscal Year 2007/08	89.22	N/A	84.28	N/A	127.40	N/A
Fiscal Year 2006/07	66.67	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 68-3405 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 68-3407 consists of Districts 19, 19-1, 19-2, 19-3, 19-6, 19-7 & 19-10.
  - (3) The levy rates for these Districts are set per EBU/parcel, but are apportioned per Unit of Benefit as defined by each parcel's front footage.
  - (4) Includes Guaranty Bank commercial site, Home Center for Medical Excellence, Tanya on Broadway, Commercial Center at
  - (5) For the periods: 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.	MONTERO	SV INVESTMENTS	EMERSON	PALOMINO	VILLA DE MADRID	RANCHO DIAMONTE
	37 68-8604 227-8271, 0134  TR 31146	39 68-8631 227-8284, 0155  TR 32359	42 68-8639 227-8289, 0170  TR 31970	43 68-8629 227-8285, 0156  TR 31280	46 68-8644 227-8291, 0172  TR 33707	47 68-8645 227-8292, 0173 TR 31807, 31807-1, 31808, 31808-1, & 31808-2
<b>2013/2014:</b>						
<b>DIRECT EXPENSES</b>						
Street Lighting - Utilities	\$2,000	\$300	\$3,000	\$200	\$1,000	\$1,500
Labor Costs	445	37	524	68	0	751
Maintenance and Operations (Total)	3,341	289	2,490	428	1,470	2,918
Maintenance and Operations (Allocated)	841	89	990	129	870	1,418
Maintenance and Operations (District Specific)	2,500	200	1,500	300	500	1,500
<b>Direct Expenses Subtotal</b>	<b>\$5,787</b>	<b>\$606</b>	<b>\$5,014</b>	<b>\$697</b>	<b>\$2,470</b>	<b>\$5,169</b>
<b>ADMINISTRATION EXPENSES</b>						
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
<b>Administration Expenses Subtotal</b>	<b>\$594</b>	<b>\$245</b>	<b>\$626</b>	<b>\$258</b>	<b>\$365</b>	<b>\$410</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>						
<b>Total Fiscal Year 2013/2014 Direct and Administrative Expenses</b>	<b>\$6,381</b>	<b>\$851</b>	<b>\$5,640</b>	<b>\$955</b>	<b>\$2,835</b>	<b>\$5,679</b>
Capital Reserve Collection/(Transfer) - Proposed	0	0	0	0	0	0
Operating Reserve Funds Collection/(Transfer)	673	(871)	(2,976)	(409)	(1,245)	(5,579)
Other Revenue / General Fund Collection/(Transfer)	0	0	0	0	0	0
<b>Total Adjustments</b>	<b>\$673</b>	<b>(\$871)</b>	<b>(\$2,976)</b>	<b>(\$409)</b>	<b>(\$1,245)</b>	<b>(\$5,579)</b>
<b>BALANCE TO LEVY FISCAL YEAR 2013/2014:</b>	<b>\$7,054</b>	<b>\$180</b>	<b>\$3,664</b>	<b>\$546</b>	<b>\$1,590</b>	<b>\$0</b>
<b>DISTRICT STATISTICS</b>						
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	\$130.85	\$103.88	\$81.69	\$16.23	\$98.52
<b>Total Assessment Allowable</b>	<b>\$7,424</b>	<b>\$914</b>	<b>\$10,388</b>	<b>\$1,061</b>	<b>\$1,590</b>	<b>\$56,461</b>
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
<b>DISTRICT FUNDS:</b>						
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	(871)	(2,976)	(409)	(1,245)	(5,579)
Anticipated Reserve Balance 6/30/2014	750	404	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
<b>Estimated Percentage of Improvements Maintained</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>25%</b>
<b>HISTORICAL RATES:</b>						
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	111.80	58.13	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 Civic Center, Bank commercial site, Hovatt Center for Medical Excellence, Tanya on Broadway, Commercial Center at
  - (5) For the periods 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 DISTRICT NO. COUNTY FUND NO. CITY ACCOUNT NO.  TRACT/PARCEL MAP NO.	CLEAN STREAK & ESPLANADE	GUARANTY, PROMENADE, SANDERSON & DEVONSHIRE	SALVATION ARMY	SEVEN HILLS	PRINCE OF PEACE
	49 68-8647 227-8293. Clean Streak Car Wash & Esplanade Commercial Site	50 68-8648 227-8294 Commercial Development <sup>(4)</sup>	51 68-8649 227-8295, 0176 Commercial Development <sup>(4)</sup>	52 68-8651 No GL assigned yet Senior Apts.	53 68-8654 No GL assigned yet Church
<b>2013/2014:</b>					
<b>DIRECT EXPENSES</b>					
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
<b>Direct Expenses Subtotal</b>	<b>\$0</b>	<b>\$16,061</b>	<b>\$2,884</b>	<b>\$384</b>	<b>\$384</b>
<b>ADMINISTRATION EXPENSES</b>					
Personnel/Overhead (Net of Estimated Interest)	\$0	\$2,425	\$380	\$325	\$291
Professional Fees (Net of Estimated Interest)	115	1,585	235	213	191
Miscellaneous/County Fees	0	116	0	106	104
<b>Administration Expenses Subtotal</b>	<b>\$115</b>	<b>\$4,126</b>	<b>\$595</b>	<b>\$643</b>	<b>\$586</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>					
<b>Total Fiscal Year 2013/2014 Direct and Administrative Expenses</b>	<b>\$115</b>	<b>\$20,187</b>	<b>\$3,479</b>	<b>\$1,028</b>	<b>\$970</b>
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	0
<b>Total Adjustments</b>	<b>(\$115)</b>	<b>\$4,282</b>	<b>(\$3,479)</b>	<b>\$400</b>	<b>\$2,107</b>
<b>BALANCE TO LEVY FISCAL YEAR 2013/2014:</b>	<b>\$0</b>	<b>\$24,469</b>	<b>\$0</b>	<b>\$1,428</b>	<b>\$3,078</b>
<b>DISTRICT STATISTICS</b>					
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	\$1.88	\$0.00	\$0.68	\$1.64
2013/2014: Maximum Levy Rate per EBU	\$1.88	\$1.86	\$1.85	\$1.69	\$1.65
<b>Total Assessment Allowable</b>	<b>\$2,158</b>	<b>\$24,469</b>	<b>\$3,095</b>	<b>\$3,300</b>	<b>\$3,078</b>
2012/2013: Levy Rate per EBU	\$0.00	\$0.70	\$0.00	\$1.63	\$0.00
2012/2013: Total Levy	\$0.00	\$9,201.38	\$0.00	\$3,172.94	\$0.00
<b>DISTRICT FUNDS:</b>					
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
<b>Anticipated Reserve Balance 6/30/2014</b>	<b>1,092</b>	<b>8,435</b>	<b>25,851</b>	<b>1,002</b>	<b>(143)</b>
Beginning CIP Fund Balance 7/1/2013	\$0	\$740	\$0	\$0	\$0
CIP Fund Adjustments	0	0	0	0	0
<b>Anticipated CIP Balance 6/30/2014</b>	<b>0</b>	<b>740</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Estimated Percentage of Improvements Maintained</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>HISTORICAL RATES:</b>					
Fiscal Year 2011/12	N/A	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, Hines 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 DISTRICT NO. COUNTY FUND NO. CITY ACCOUNT NO.  TRACT/PARCEL MAP NO.	HABITAT FOR HUMANITY	SAHARA / OASIS SENIOR VILLAS	TOTAL
	54 68-8656 227-8297_0178	55 68-8658 227-0179  Commercial Development <sup>(6)</sup>	
<b>2013/2014:</b>			
<b>DIRECT EXPENSES</b>			
Street Lighting - Utilities	\$500	\$500	\$476,970
Labor Costs	3,072	130	\$88,460
Maintenance and Operations (Total)	6,302	746	\$222,855
Maintenance and Operations (Allocated)	5,802	246	\$69,815
Maintenance and Operations (Distinct Specific)	500	500	\$163,040
<b>Direct Expenses Subtotal</b>	<b>\$9,875</b>	<b>\$1,377</b>	<b>\$767,275</b>
<b>ADMINISTRATION EXPENSES</b>			
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
<b>Administration Expenses Subtotal</b>	<b>\$694</b>	<b>\$611</b>	<b>\$182,269</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>			
<b>Total Fiscal Year 2013/2014 Direct and Administrative Expenses</b>	<b>\$10,569</b>	<b>\$1,988</b>	<b>\$819,544</b>
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
<b>Total Adjustments</b>	<b>(\$9,599)</b>	<b>\$587</b>	<b>\$207,111</b>
<b>BALANCE TO LEVY FISCAL YEAR 2013/2014:</b>	<b>\$970</b>	<b>\$2,678</b>	<b>\$1,126,655</b>
<b>DISTRICT STATISTICS</b>			
Total Parcels	6	2	22,680
Total Assessable Parcels	6	2	22,328
Total Equivalent Benefit Unit (EBU)	586.21	1,780.08	1,031,619.20
<b>2013/2014: Levy Rate per EBU</b>	<b>\$1.84</b>	<b>\$1.44</b>	
<b>2013/2014: Maximum Levy Rate per EBU</b>	<b>\$1.85</b>	<b>\$1.85</b>	
<b>Total Assessment Allowable</b>	<b>\$970</b>	<b>\$2,946</b>	<b>\$1,569,266</b>
<b>2012/2013: Levy Rate per EBU</b>	<b>\$1.06</b>	<b>\$0.00</b>	
<b>2012/2013: Total Levy</b>	<b>\$621.34</b>	<b>\$0.00</b>	<b>\$1,090,642.36</b>
<b>DISTRICT FUNDS:</b>			<b>\$0</b>
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)	
<b>Beginning CIP Fund Balance 7/1/2013</b>	<b>\$0</b>	<b>\$0</b>	<b>\$24,790</b>
CIP Fund Adjustments	0	0	\$0
Anticipated CIP Balance 6/30/2014	0	0	\$24,790
<b>Estimated Percentage of Improvements Maintained</b>	<b>100%</b>	<b>100%</b>	
<b>HISTORICAL RATES:</b>			
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 Guinness Bank commercial site, Hanes Center for Medical Excellence, Tungsan Branch, Commercial Center at

(5) For the periods, 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

## 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.



## 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.



# 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](http://www.willdan.com/financial)



# 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 9th day of July, 2013.

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

By: Stacey Reynolds  
Stacey Reynolds, Senior Project Manager  
District Administration Services

By: Richard Kopecky  
Richard Kopecky  
R. C. E. # 16742



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## **I. OVERVIEW**

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### **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 XIII C and XIII D 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 XIII D (“Article XIII D”).

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

Article XIII D 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 XIII D 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 XIII D 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 XIID Section 5, certain existing assessments (those that existed on or before November 6, 1996) are exempt from the substantive and procedural requirements of Article XIID 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 XIID Section 5(b), the existing assessment amounts are exempt from the substantive and procedural requirements of Article XIID Section 4.

Although the assessments existing on the effective date of November 6, 1996 are exempt from the provisions of the Article XIID Section 4, any new or increased assessments are subject to the substantive and procedural requirements of Article XIID 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 XIID. 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.

## // PLANS AND SPECIFICATIONS

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### 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.

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## **///. 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 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 XIID requires that a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. Article XIID provides that only special benefits are assessable and the City must separate the general benefits from the special benefits.

**General Benefit:** Article XIID 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 XIID 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 XIID.

## **IV. DISTRICT BUDGETS**

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### **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.

**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, vernal pools 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 DISTRICT NO. COUNTY FUND NO. CITY ACCOUNT NO. TRACT/PARCEL MAP NO.	ORIGINAL DISTRICTS	STONEY MTN	HEARTLAND	PACIFIC GREEN	COTTONWOOD
	68-2406 <sup>(1)(3)</sup> & 68-2410 <sup>(2)(4)</sup> 225-8250 MULTIPLE	19-4 68-2394 228-8266, 0108 TR 29129	19-5 68-2392 228-8265, 0107 TR 28286-9, -10, & -11	20 68-8614 228-8263, 0104 TR 28555	22 68-8609 228-8272, 0135 TR 30558, -1 & -2
<b>2013/2014:</b>					
<b>DIRECT EXPENSES</b>					
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
Graffiti Removal	55,200	807	2,244	247	572
<b>Direct Expenses Subtotal</b>	<b>\$817,333</b>	<b>\$74,699</b>	<b>\$432,243</b>	<b>\$10,619</b>	<b>\$118,225</b>
<b>ADMINISTRATION EXPENSES</b>					
Personnel/Overhead (Net of Estimated Interest)	\$162,240	\$4,799	\$63,615	\$1,460	\$8,128
Professional Fees (Net of Estimated Interest)	9,900	555	2,697	169	709
Miscellaneous/County Fees	7,972	280	848	188	293
<b>Administration Expenses Subtotal</b>	<b>\$180,112</b>	<b>\$5,614</b>	<b>\$67,160</b>	<b>\$1,815</b>	<b>\$7,130</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>					
<b>Total Fiscal Year 2013/2014 Direct and Administrative Expenses</b>	<b>\$997,445</b>	<b>\$80,213</b>	<b>\$499,402</b>	<b>\$12,434</b>	<b>\$125,355</b>
Capital Reserve Collection/(Transfer) - Proposed	0	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
<b>Total Adjustments</b>	<b>(\$79,222)</b>	<b>\$0</b>	<b>(\$89,046)</b>	<b>(\$12,434)</b>	<b>(\$7,450)</b>
<b>BALANCE TO LEVY FISCAL YEAR 2013/2014:</b>	<b>\$918,223</b>	<b>\$80,213</b>	<b>\$410,356</b>	<b>\$0</b>	<b>\$117,905</b>
<b>DISTRICT STATISTICS</b>					
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 <sup>(7)(8)</sup>	N/A	N/A	712.77	N/A	N/A
2013/2014: Maximum Levy Rate per EBU without HOA Credit <sup>(7)(8)</sup>	N/A	\$489.53	\$788.20	\$53.28	\$476.81
<b>Total Assessment Allowable</b>	<b>\$918,223</b>	<b>\$185,486</b>	<b>\$1,040,640</b>	<b>\$6,578</b>	<b>\$177,373</b>
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
<b>DISTRICT FUNDS:</b>					
Estimated Reserve Fund Beginning Balance 7/1/2013	548,776	\$48,128	\$280,379	\$31,986	\$83,324
2013/2014: Reserve Fund Adjustments	(79,222)	0	(89,046)	(12,434)	(7,450)
<b>Anticipated Reserve Balance 6/30/2014</b>	<b>469,555</b>	<b>48,128</b>	<b>191,333</b>	<b>19,552</b>	<b>55,873</b>
Beginning CIP Fund Balance 7/1/2013	\$0	\$122,663	\$158,100	\$0	\$36,729
CIP Fund Adjustments	0	0	0	0	0
<b>Anticipated CIP Balance 6/30/2014</b>	<b>0</b>	<b>122,663</b>	<b>158,100</b>	<b>0</b>	<b>36,729</b>
<b>Estimated Percentage of Improvements Maintained</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>HISTORICAL RATES:</b>					
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	824.76	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. 120 shall be assessed as part of LMD 33
- (5) The Vernal Pool, identified as Lot N within Tract 31808, is proposed to be maintained by
- (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.	CREAN	MONTANA	WILDFLOWER	WOODCREST	COVENANT	AUTUMN RIDGE
	23 68-2396 228-8264, 0106 TR 28581	23-1 68-2398 228-8267, 0109 TR 29674	23-2A 68-8601 228-8269, 0132 TR 25405	23-2B 68-8603 228-8270, 0133 TR 30689, -1 & 2	23-3 68-8600 228-8268, 0131 TR 29581	23-4 & 44 68-8616 228-8276, 0138 TR 30506, 33705
<b>2013/2014:</b>						
<b>DIRECT EXPENSES</b>						
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
Graffiti Removal	203	105	275	281	85	350
<b>Direct Expenses Subtotal</b>	<b>\$34,886</b>	<b>\$10,963</b>	<b>\$18,194</b>	<b>\$30,157</b>	<b>\$18,886</b>	<b>\$156,201</b>
<b>ADMINISTRATION EXPENSES</b>						
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
<b>Administration Expenses Subtotal</b>	<b>\$2,375</b>	<b>\$1,041</b>	<b>\$2,217</b>	<b>\$2,564</b>	<b>\$1,189</b>	<b>\$17,920</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>						
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	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
<b>Total Adjustments</b>	<b>(\$15,071)</b>	<b>(\$4,382)</b>	<b>(\$9,813)</b>	<b>(\$32,721)</b>	<b>(\$5,257)</b>	<b>(\$26,578)</b>
<b>BALANCE TO LEVY FISCAL YEAR 2013/2014:</b>	<b>\$22,190</b>	<b>\$7,621</b>	<b>\$10,599</b>	<b>\$0</b>	<b>\$14,817</b>	<b>\$147,543</b>
<b>DISTRICT STATISTICS</b>						
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 <sup>(7)(8)</sup>	N/A	N/A	N/A	N/A	N/A	N/A
2013/2014: Maximum Levy Rate per EBU without HOA Credit <sup>(7)(8)</sup>	\$168.11	\$112.07	\$59.21	\$313.81	\$269.40	\$630.53
<b>Total Assessment Allowable</b>	<b>\$22,190</b>	<b>\$7,621</b>	<b>\$10,599</b>	<b>\$53,348</b>	<b>\$14,817</b>	<b>\$147,543</b>
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
<b>DISTRICT FUNDS:</b>						
Estimated Reserve Fund Beginning Balance 7/1/2013	(\$6,872)	\$10,372	\$9,548	\$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
<b>Estimated Percentage of Improvements Maintained</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>HISTORICAL RATES:</b>						
Fiscal Year 2011/12	165.42	103.80	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	48.85	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	43.28	229.30	198.85	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, 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. 120 shall be assessed as part of LMD 33
- (5) The Vertical Pool, identified as Lot N within Tract 31808, is proposed to be maintained by
- (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.	MENLO ESTATES 23-5 68-8618 228-8277, 0139 TR 28558	MENLO ESTATES II 23-5B 68-8620 228-8278, 0140 TR 31295	KALPESH A 24 68-8611 228-8273, 0136 TR 30869	KALPESH B 24 68-8611 228-8273, 0136 TR 30969	FLORIDA AVE 25 68-8612 <sup>(1)</sup> 228-8274, 0137	WILLOWALK 26 68-8624 228-8280, 0151 TR 30041
<b>2013/2014:</b>						
<b>DIRECT EXPENSES</b>						
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	656
<b>Direct Expenses Subtotal</b>	<b>\$10,741</b>	<b>\$9,481</b>	<b>\$6,756</b>	<b>\$5,322</b>	<b>\$7,368</b>	<b>\$61,511</b>
<b>ADMINISTRATION EXPENSES</b>						
Personnel/Overhead (Net of Estimated Interest)	\$865	\$815	\$319	\$367	\$381	\$4,812
Professional Fees (Net of Estimated Interest)	100	84	37	45	44	568
Miscellaneous/County Fees	142	142	112	120	107	321
<b>Administration Expenses Subtotal</b>	<b>\$1,107</b>	<b>\$1,052</b>	<b>\$468</b>	<b>\$551</b>	<b>\$532</b>	<b>\$5,801</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>						
<b>Total Fiscal Year 2013/2014 Direct and Administrative Expenses</b>	<b>\$11,848</b>	<b>\$10,532</b>	<b>\$7,224</b>	<b>\$5,873</b>	<b>\$7,900</b>	<b>\$67,312</b>
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
<b>Total Adjustments</b>	<b>(\$4,551)</b>	<b>(\$5,734)</b>	<b>(\$810)</b>	<b>(\$1,455)</b>	<b>(\$5,315)</b>	<b>(\$59,624)</b>
<b>BALANCE TO LEVY FISCAL YEAR 2013/2014:</b>	<b>\$7,297</b>	<b>\$4,798</b>	<b>\$6,414</b>	<b>\$4,418</b>	<b>\$2,585</b>	<b>\$7,688</b>
<b>DISTRICT STATISTICS</b>						
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
<b>2013/2014: Levy Rate per EBU</b>	<b>\$96.00</b>	<b>\$83.98</b>	<b>\$377.28</b>	<b>\$138.06</b>	<b>\$1.52</b>	<b>\$18.00</b>
<b>2013/2014: Maximum Levy Rate per EBU with HOA Credit<sup>(7)(8)</sup></b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$198.44</b>
<b>2013/2014: Maximum Levy Rate per EBU without HOA Credit<sup>(7)(8)</sup></b>	<b>\$158.56</b>	<b>\$158.56</b>	<b>\$422.72</b>	<b>\$138.06</b>	<b>\$1.54</b>	<b>\$380.46</b>
<b>Total Assessment Allowable</b>	<b>\$11,899</b>	<b>\$11,742</b>	<b>\$7,186</b>	<b>\$4,418</b>	<b>\$2,585</b>	<b>\$64,735</b>
<b>2012/2013: Levy Rate per EBU</b>	<b>\$118.60</b>	<b>\$143.44</b>	<b>\$328.28</b>	<b>\$132.74</b>	<b>\$1.46</b>	<b>\$0.00</b>
<b>2012/2013: Total Levy</b>	<b>\$9,014</b>	<b>\$10,758</b>	<b>\$5,598</b>	<b>\$4,248</b>	<b>\$2,485</b>	<b>\$0</b>
<b>DISTRICT FUNDS:</b>						
<b>Estimated Reserve Fund Beginning Balance 7/1/2013</b>	<b>\$6,751</b>	<b>\$13,831</b>	<b>\$2,785</b>	<b>\$4,152</b>	<b>(\$72,117)</b>	<b>\$68,816</b>
2013/2014: Reserve Fund Adjustments	(4,551)	(5,734)	(810)	(1,455)	(5,315)	(59,624)
<b>Anticipated Reserve Balance 6/30/2014</b>	<b>2,200</b>	<b>8,097</b>	<b>1,975</b>	<b>2,697</b>	<b>(77,432)</b>	<b>9,192</b>
<b>Beginning CIP Fund Balance 7/1/2013</b>	<b>\$6,600</b>	<b>\$0</b>	<b>\$3,400</b>	<b>\$0</b>	<b>\$0</b>	<b>\$35,683</b>
CIP Fund Adjustments	0	0	0	0	0	0
<b>Anticipated CIP Balance 6/30/2014</b>	<b>6,600</b>	<b>0</b>	<b>3,400</b>	<b>0</b>	<b>0</b>	<b>35,683</b>
<b>Estimated Percentage of Improvements Maintained</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>HISTORICAL RATES:</b>						
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	1.28	156.83
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. 120 shall be assessed as part of LMD 33
- (5) The Vertical Pool, identified as Lot N within Tract 31808, is proposed to be maintained by
- (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.	FLOWERWOOD 27 68-8622 228-8279, 0150 TR 30158	PEPPERTREE 29 68-8634 228-8286, 0157 TR 29843	HIDEAWAY 33 68-8636 228-8287, 0158 TR 24147-1, 31796 <sup>(4)</sup>	ENCLAVE 35 68-8628 228-8283, 0154 TR 30724	McSWEENEY 36 68-8638 228-8288, 0159 TR 32717, 32717-1, -2, -3, -4, -5, 6, & 32529
<b>2013/2014:</b>					
<b>DIRECT EXPENSES</b>					
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
<b>Direct Expenses Subtotal</b>	<b>\$27,142</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,756</b>	<b>\$58,621</b>
<b>ADMINISTRATION EXPENSES</b>					
Personnel/Overhead (Net of Estimated Interest)	\$1,317	\$0	\$0	\$224	\$3,989
Professional Fees (Net of Estimated Interest)	152	70	61	28	461
Miscellaneous/County Fees	140	0	0	112	262
<b>Administration Expenses Subtotal</b>	<b>\$1,609</b>	<b>\$70</b>	<b>\$61</b>	<b>\$362</b>	<b>\$4,712</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>					
<b>Total Fiscal Year 2013/2014 Direct and Administrative Expenses</b>	<b>\$28,750</b>	<b>\$70</b>	<b>\$61</b>	<b>\$4,118</b>	<b>\$63,333</b>
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
<b>Total Adjustments</b>	<b>(\$28,750)</b>	<b>(\$70)</b>	<b>(\$61)</b>	<b>(\$4,118)</b>	<b>(\$63,333)</b>
<b>BALANCE TO LEVY FISCAL YEAR 2013/2014:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>DISTRICT STATISTICS</b>					
Total Parcels	77	226	196	16	333
Total Parcels Levied	71	197	193	16	310
Total Equivalent Benefit Unit (EBU)	71.00	458.00	193.00	16.00	310.00
<b>2013/2014: Levy Rate per EBU</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>2013/2014: Maximum Levy Rate per EBU with HOA Credit<sup>(7)(8)</sup></b>	<b>N/A</b>	<b>\$88.50</b>	<b>N/A</b>	<b>N/A</b>	<b>\$876.41</b>
<b>2013/2014: Maximum Levy Rate per EBU without HOA Credit<sup>(7)(8)</sup></b>	<b>\$644.60</b>	<b>\$1,777.82</b>	<b>\$426.36</b>	<b>\$205.29</b>	<b>\$2,360.78</b>
<b>Total Assessment Allowable</b>	<b>\$45,766</b>	<b>\$40,354</b>	<b>\$82,288</b>	<b>\$3,285</b>	<b>\$271,687</b>
<b>2012/2013: Levy Rate per EBU</b>	<b>\$490.04</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$168.74</b>	<b>\$0.00</b>
<b>2012/2013: Total Levy</b>	<b>\$34,793</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,700</b>	<b>\$0</b>
<b>DISTRICT FUNDS:</b>					
<b>Estimated Reserve Fund Beginning Balance 7/1/2013</b>	<b>\$101,767</b>	<b>\$524</b>	<b>\$59,057</b>	<b>\$7,882</b>	<b>\$127,251</b>
2013/2014: Reserve Fund Adjustments	(28,750)	(70)	(61)	(4,118)	(63,333)
<b>Anticipated Reserve Balance 6/30/2014</b>	<b>73,017</b>	<b>454</b>	<b>58,996</b>	<b>3,765</b>	<b>63,918</b>
<b>Beginning CIP Fund Balance 7/1/2013</b>	<b>\$0</b>	<b>\$8,900</b>	<b>\$3,400</b>	<b>\$0</b>	<b>\$65,204</b>
CIP Fund Adjustments	0	0	0	0	0
<b>Anticipated CIP Balance 6/30/2014</b>	<b>0</b>	<b>8,900</b>	<b>3,400</b>	<b>0</b>	<b>65,204</b>
<b>Estimated Percentage of Improvements Maintained</b>	<b>100%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>
<b>HISTORICAL RATES:</b>					
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	302.85
Fiscal Year 2009/10	551.00	N/A	N/A	172.53	28.28
Fiscal Year 2008/09	509.43	72.74	324.00	162.24	686.00
Fiscal Year 2007/08	489.84	N/A	N/A	156.00	N/A
Fiscal Year 2006/07	471.00	N/A	N/A	160.00	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 levied, 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. 120 shall be assessed as part of LMD 33

(5) The Vernal Pool, identified as Lot N within Tract 31808, is proposed to be maintained by

(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.	MONTERO	SV INVESTMENTS	EMERSON	PALOMINO	VILLA DE MADRID
	37 68-8605 228-8271, 0134 TR 31146	39 68-8632 228-8284, 0155 TR 32359	42 68-8640 228-8289, 0170 TR 31970	43 68-8630 228-8285, 0156 TR 31280	46 68-8643 228-8291, 0172 TR 33707
<b>2013/2014:</b>					
<b>DIRECT EXPENSES</b>					
Landscape Maintenance (Contracts or Specific District Labor)	\$19,500	\$100	\$6,000	\$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
Graffiti Removal	131	11	154	20	0
<b>Direct Expenses Subtotal</b>	<b>\$31,578</b>	<b>\$111</b>	<b>\$15,974</b>	<b>\$3,877</b>	<b>\$0</b>
<b>ADMINISTRATION EXPENSES</b>					
Personnel/Overhead (Net of Estimated Interest)	\$1,536	\$53	\$1,192	\$209	\$0
Professional Fees (Net of Estimated Interest)	178	6	138	24	0
Miscellaneous/County Fees	147	107	155	110	0
<b>Administration Expenses Subtotal</b>	<b>\$1,861</b>	<b>\$167</b>	<b>\$1,484</b>	<b>\$343</b>	<b>\$0</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>					
Total Fiscal Year 2013/2014 Direct and Administrative Expenses	\$33,439	\$277	\$17,459	\$4,220	\$0
Capital Reserve Collection/(Transfer) - Proposed	0	0	0	0	0
Operating Reserve Funds Collection/(Transfer)	(634)	(93)	(14,272)	(1,812)	0
Other Revenue / General Fund Collection/(Transfer)	0	0	0	0	0
<b>Total Adjustments</b>	<b>(\$634)</b>	<b>(\$93)</b>	<b>(\$14,272)</b>	<b>(\$1,812)</b>	<b>\$0</b>
<b>BALANCE TO LEVY FISCAL YEAR 2013/2014:</b>	<b>\$32,805</b>	<b>\$184</b>	<b>\$3,187</b>	<b>\$2,408</b>	<b>\$0</b>
<b>DISTRICT STATISTICS</b>					
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	\$386.94	\$26.30	\$31.86	\$185.24	\$0.00
2013/2014: Maximum Levy Rate per EBU with HOA Credit <sup>(7)(8)</sup>	N/A	N/A	N/A	N/A	N/A
2013/2014: Maximum Levy Rate per EBU without HOA Credit <sup>(7)(8)</sup>	\$386.94	\$26.32	\$228.97	\$185.26	\$310.56
<b>Total Assessment Allowable</b>	<b>\$32,805</b>	<b>\$184</b>	<b>\$22,897</b>	<b>\$2,408</b>	<b>\$30,435</b>
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
<b>DISTRICT FUNDS:</b>					
Estimated Reserve Fund Beginning Balance 7/1/2013	\$5,738	(\$706)	\$25,911	(\$2,897)	\$24,010
2013/2014: Reserve Fund Adjustments	(634)	(93)	(14,272)	(1,812)	0
Anticipated Reserve Balance 6/30/2014	5,104	(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
<b>Estimated Percentage of Improvements Maintained</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>0%</b>
<b>HISTORICAL RATES:</b>					
Fiscal Year 2011/12	N/A	24.30	27.20	171.28	N/A
Fiscal Year 2010/11	37.73	23.40	98.44	184.69	N/A
Fiscal Year 2009/10	32.73	22.48	176.84	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

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DISTRICT DESCRIPTION DISTRICT NO. COUNTY FUND NO. CITY ACCOUNT NO. TRACT/PARCEL MAP NO.	RANCHO DIAMONTE	SALVATION ARMY	SEVEN HILLS APTS	PRINCE OF PEACE	HABITAT FOR HUMANITY
	47 68-8646 228-8292, 0173 TR 31807, 31807-1, 31808, 31808-1, & 31808-2 (B)	51 68-8650 228-0176	52 68-8652 Dormant District	53 68-8653 228-0177 Dormant District	54 68-8655 228-0178
<b>2013/2014:</b>					
<b>DIRECT EXPENSES</b>					
Landscape Maintenance (Contracts or Specific District Labor)	\$20,000	\$0	\$0	\$0	\$1,500
Street Tree Trimming (Net of Estimated Interest)	16,876	0	0	0	61
Utilities	35,000	0	0	0	1,000
Graffiti Removal	440	0	0	0	2
<b>Direct Expenses Subtotal</b>	<b>\$72,117</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,562</b>
<b>ADMINISTRATION EXPENSES</b>					
Personnel/Overhead (Net of Estimated Interest)	\$1,995	\$0	\$0	\$0	\$96
Professional Fees (Net of Estimated Interest)	481	0	0	0	11
Miscellaneous/County Fees	214	0	0	0	107
<b>Administration Expenses Subtotal</b>	<b>\$2,671</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$213</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>					
<b>Total Fiscal Year 2013/2014 Direct and Administrative Expenses</b>	<b>\$74,787</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,776</b>
Capital Reserve Collection/(Transfer) - Proposed		0	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
<b>Total Adjustments</b>	<b>(\$74,787)</b>	<b>(\$0)</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$539)</b>
<b>BALANCE TO LEVY FISCAL YEAR 2013/2014:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,236</b>
<b>DISTRICT STATISTICS</b>					
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
<b>2013/2014: Levy Rate per EBU</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$2,150.12</b>
<b>2013/2014: Maximum Levy Rate per EBU with HOA Credit<sup>(7)(8)</sup></b>	<b>\$689.02</b>	<b>N/A</b>	<b>\$0.00</b>	<b>N/A</b>	<b>N/A</b>
<b>2013/2014: Maximum Levy Rate per EBU without HOA Credit<sup>(7)(8)</sup></b>	<b>\$2,643.82</b>	<b>\$4,578.39</b>	<b>\$0.00</b>	<b>\$1,599.49</b>	<b>\$4,461.37</b>
<b>Total Assessment Allowable</b>	<b>\$383,351</b>	<b>\$19,367</b>	<b>\$0</b>	<b>\$14,378</b>	<b>\$4,640</b>
<b>2012/2013: Levy Rate per EBU</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$154.88</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>2012/2013: Total Levy</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,920</b>	<b>\$0</b>	<b>\$0</b>
<b>DISTRICT FUNDS:</b>					
<b>Estimated Reserve Fund Beginning Balance 7/1/2013</b>	<b>\$154,725</b>	<b>\$2,748</b>	<b>\$4,814</b>	<b>\$0</b>	<b>\$3,057</b>
2013/2014: Reserve Fund Adjustments	(74,787)	(0)	0	0	(539)
<b>Anticipated Reserve Balance 6/30/2014</b>	<b>79,938</b>	<b>2,748</b>	<b>4,814</b>	<b>0</b>	<b>2,518</b>
<b>Beginning CIP Fund Balance 7/1/2013</b>	<b>\$15,400</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
CIP Fund Adjustments	0	0	0	0	0
<b>Anticipated CIP Balance 6/30/2014</b>	<b>15,400</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Estimated Percentage of Improvements Maintained</b>	<b>50%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>
<b>HISTORICAL RATES:</b>					
Fiscal Year 2011/12	N/A	4,232.98	1,671.28	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**

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- (3) The levy rates for these Districts are not per EBU/parcel, but are apportioned per Unit of
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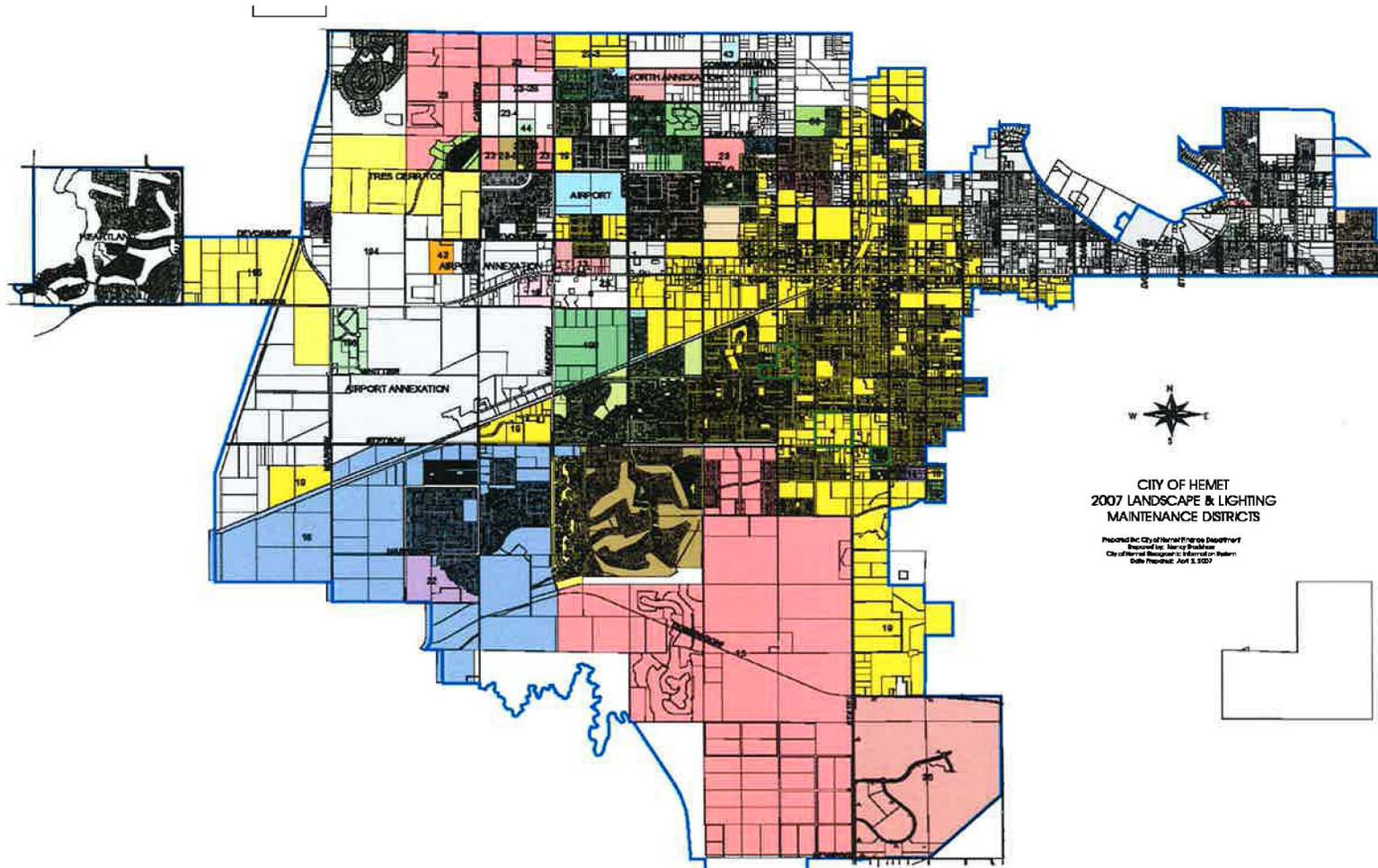
DISTRICT DESCRIPTION DISTRICT NO. COUNTY FUND NO. CITY ACCOUNT NO. TRACT/PARCEL MAP NO.	SAHARA / OASIS SENIOR VILLAS	TOTAL
	55 68-8657 228-0179	
<b>2013/2014:</b>		
<b>DIRECT EXPENSES</b>		
Landscape Maintenance (Contracts or Specific District Labor)	\$0	\$832,456
Street Tree Trimming (Net of Estimated Interest)	725	\$602,836
Utilities	0	\$542,113
Graffiti Removal	19	\$62,560
<b>Direct Expenses Subtotal</b>	<b>\$744</b>	<b>\$2,039,965</b>
<b>ADMINISTRATION EXPENSES</b>		
Personnel/Overhead (Net of Estimated Interest)	\$41	\$281,217
Professional Fees (Net of Estimated Interest)	10	\$18,128
Miscellaneous/County Fees	105	\$13,012
<b>Administration Expenses Subtotal</b>	<b>\$156</b>	<b>\$312,358</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>		
<b>Total Fiscal Year 2013/2014 Direct and Administrative Expenses</b>	<b>\$899</b>	<b>\$2,352,322</b>
Capital Reserve Collection/(Transfer) - Proposed	0	\$0
Operating Reserve Funds Collection/(Transfer)	6,561	(\$541,374)
Other Revenue / General Fund Collection/(Transfer)	0	\$0
<b>Total Adjustments</b>	<b>\$6,561</b>	<b>(\$541,374)</b>
<b>BALANCE TO LEVY FISCAL YEAR 2013/2014:</b>	<b>\$7,460</b>	<b>\$1,810,949</b>
<b>DISTRICT STATISTICS</b>		
Total Parcels	2	20,562
Total Parcels Levied	2	20,220
Total Equivalent Benefit Unit (EBU)	4.15	966,973
<b>2013/2014: Levy Rate per EBU</b>	<b>\$1,797.54</b>	
<b>2013/2014: Maximum Levy Rate per EBU with HOA Credit<sup>(7)(8)</sup></b>	<b>N/A</b>	
<b>2013/2014: Maximum Levy Rate per EBU without HOA Credit<sup>(7)(8)</sup></b>	<b>\$1,797.55</b>	
<b>Total Assessment Allowable</b>	<b>\$7,460</b>	<b>\$3,670,269</b>
<b>2012/2013: Levy Rate per EBU</b>	<b>\$1,607.42</b>	<b>\$365,654.70</b>
<b>2012/2013: Total Levy</b>	<b>\$6,671</b>	<b>\$1,517,467</b>
<b>DISTRICT FUNDS:</b>		
<b>Estimated Reserve Fund Beginning Balance 7/1/2013</b>	<b>\$13,099</b>	
<b>2013/2014: Reserve Fund Adjustments</b>	<b>6,561</b>	
<b>Anticipated Reserve Balance 6/30/2014</b>	<b>19,660</b>	
<b>Beginning CIP Fund Balance 7/1/2013</b>	<b>\$0</b>	
<b>CIP Fund Adjustments</b>	<b>0</b>	
<b>Anticipated CIP Balance 6/30/2014</b>	<b>0</b>	
<b>Estimated Percentage of Improvements Maintained</b>	<b>50%</b>	
<b>HISTORICAL RATES:</b>		
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. 120 shall be assessed as part of LMD 33
- (5) The Vernal Pool, identified as Lot N within Tract 31808, is proposed to be maintained by
- (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**

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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.



*Staff Report*

TO: Honorable Mayor and Members of the Hemet City Council

FROM: Ronald E. Bradley, Interim City Manager *REB*  
 Deanna Elliano, Community Development Director *DE*

DATE: July 9, 2013

RE: **ADOPTION OF A RESOLUTION UPDATING THE FINE SCHEDULE AND FEES FOR ADMINISTRATIVE CITATIONS (Resolution Bill No. 13-036)**

**RECOMMENDED ACTION:**

*That the City Council adopt Resolution Bill No. 13-036, entitled:*

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA AMENDING THE ADMINISTRATIVE FINE SCHEDULE FOR VIOLATIONS OF THE HEMET MUNICIPAL CODE**

**BACKGROUND:**

At the Council meeting of June 25, 2013, the City Council introduced Ordinance Bill No. 13-029 which amended Chapter 1 of the Hemet Municipal Code regarding an update to the City's existing code provisions for the imposition, enforcement, collection, and appeal of Administrative Citations within the City. Section 1-25 of the new ordinance also authorized the establishment of an administrative fine schedule, a re-inspection fee, and late penalty and interest charges in the event of non-payment of the citations, to be set by Resolution of the City Council. The proposed Resolution implements these provisions of the newly adopted Administrative Citation ordinance.

The attached Resolution Bill No. 13-026 establishes an Administrative Fine Schedule which includes a "default" uniform fine of \$100 for the first occurrence of the violation, \$200 for the second occurrence in a 12-month period, and \$500 for the third occurrence in a 12-month period. These are the same fine amounts as under the existing administrative citation codes, but they are being established under a separate Administrative Fine Resolution that can be updated and added to from time to time by the City Council without the need to amend the Municipal Code. The Administrative Fine Schedule also provides a quick reference to those sections of the Municipal Code which specifically identify a higher fine schedule than the base fines, such as the Chronic Nuisance ordinance adopted last year as part of the Hemet ROCS program.

As with the existing code, the updated Ordinance provided for the imposition of a late penalty charge and interest upon any administrative fine that is not timely paid. However, the newly adopted Ordinance also provided 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 Resolution Bill

No. 13-036 also establishes these fees and charges as authorized under the Administrative Citations ordinance.

**COORDINATION & PUBLIC REVIEW:**

A public hearing notification for the proposed resolution was published in the Press Enterprise on June 28, 2013. To date, no comments have been received from the public regarding the proposed fine schedule and fees.

**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.*

**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:**

For those instances where administrative citations are issued, the proposed resolution and associated ordinance will likely result in an increase of collected fines that would be deposited into the City's General Fund. The proposed Re-inspection Fee is revenue neutral to the general fund as the proposed fees will serve to cover the actual staff time expended to perform the additional inspections.

Respectfully submitted,

*for*   
Deanna Elliano  
Community Development Director

**Attachments:**

1. Proposed Resolution Bill No. 13-036 establishing Administrative Fines and Fees

# Attachment No. 1

City Council  
Resolution Bill  
No. 13-036



**CITY OF HEMET  
Hemet, California  
RESOLUTION BILL NO. 13-036**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF HEMET, CALIFORNIA AMENDING THE  
ADMINISTRATIVE FINE SCHEDULE FOR  
VIOLATIONS OF THE HEMET MUNICIPAL CODE**

**WHEREAS**, on February 12, 2008, the City Council of the City of Hemet adopted Ordinance No. 1791, amending Article 2 of Chapter 30 of the Hemet Municipal Code to establish a process for imposing administrative/civil fines for violations of the Hemet Municipal Code (and other technical codes adopted therein); and,

**WHEREAS**, on July 9, 2013, the City Council of the City of Hemet adopted Ordinance Bill No. 13-029, modifying and refining the administrative procedures for the imposition, enforcement, collection, and administrative review of the administrative citations and administrative fines and penalties;

**WHEREAS**, Ordinance Bill No. 13-029 provides that the amount of the administrative fine for violations of the Hemet Municipal Code and other applicable State laws shall be set forth in a schedule of fines established by resolution of the City Council; and,

**WHEREAS**, Ordinance Bill No. 13-029 requires that the schedule of fines provide for increased fines for repeat violations of the same code provision by the same responsible person; and,

**WHEREAS**, Ordinance Bill No. 13-029 provides for the assessment of a re-inspection fee (in an amount to be established by Resolution) against a Responsible Person who does not timely and completely correct or abate a violation after having received notification from the City to correct or abate same; and,

1       **WHEREAS**, Ordinance Bill No. 13-029 provides for the imposition of an interest  
2 charge (in an amount to be established by Resolution) for any administrative fines that  
3 are not paid within sixty (60) calendar days of the issuance of an uncontested  
4 administrative citation or within sixty (60) calendar days of a final administrative and/or  
5 judicial determination; and,

6       **WHEREAS**, Ordinance Bill No. 13-029 provides for the imposition of a late penalty  
7 charge (in an amount to be established by Resolution) for any administrative fines that  
8 are not paid within thirty (30) calendar days of the issuance of an uncontested  
9 administrative citation or within twenty (20) calendar days of a final administrative and/or  
10 judicial determination; and,

11       **WHEREAS**, the City of Hemet has a substantial interest in promoting compliance  
12 with the local laws that have been enacted by the City Council in an effort to promote  
13 and protect the health, safety, and general welfare of the City's residents, business  
14 community, and visitors; and,

15       **WHEREAS**, the City Council believes that the use of the administrative citation  
16 program promotes the City of Hemet's interest in promoting compliance with local laws;  
17 and,

18       **WHEREAS**, on July 9, 2013 the City Council of the City of Hemet conducted a duly  
19 noticed public hearing regarding the adoption of the fines and fees related to  
20 administrative citations as contained in this Resolution; and

21 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA**  
22 **DOES HEREBY RESOLVE, DECLARE, AND DETERMINE AND ORDER AS**  
23 **FOLLOWS:**

24 **SECTION 1.** The City Council finds that the facts, findings and conclusions set forth  
25 above are true and correct.

26 **SECTION 2.** Based on the foregoing findings and substantial evidence in the record,  
27 the City Council does hereby resolve that:

- 28       (A) The updated Schedule of Administrative Fines shall be as set forth in  
Exhibit A, as attached hereto.

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(B) **A re-inspection fee** of \$85.00 shall be imposed for any re-inspections required of Code, Building, Fire Prevention, or Engineering Field Officers or Inspectors, upon any responsible person causing, permitting, aiding, abetting, or suffering a violation of the Hemet Municipal Code that is not timely and completely corrected or abated (subject to all required approvals, permits, licenses, and/or inspections) after having received notification to correct or abate same. This re-inspection fee is authorized pursuant to Section 1-25 of the Hemet Municipal Code, and is reasonable in light of the actual staff costs to perform the inspection. This re-inspection fee shall be effect unless otherwise specified in the Hemet Municipal Code or separate Fee Resolution.

(C) **A late penalty charge** in the amount of 50% of the initial, base administrative fine imposed by means of an administrative citation shall be assessed on any fine that is not timely paid within thirty (30) calendar days of the issuance of an administrative citation or within twenty (20) calendar days of a final determination by the administrative Hearing Officer upon a timely appeal, (if the appellant did not previously deposit the fine amount) as set forth in Article 2 of Chapter 1 of the Hemet Municipal Code.

(D) **An interest charge** in the amount of ten percent (10%) per year, computed daily, shall accrue and be assessed on any fine that is not fully paid to the City within sixty (60) calendar days of its imposition/issuance when it is not contested in accordance with the provisions of Article 2 of Chapter 1 of the Hemet Municipal Code, or if it is not fully paid to the City within sixty (60) calendar days of any decision of a hearing officer or a judicial officer to uphold or confirm the fine if contested in accordance with the provisions of Article 2 of Chapter 1 of the Hemet Municipal Code. Interest shall not accrue on a late penalty or re-inspection fee owed to the City.

**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

1 purpose of meeting operating expenses and are, therefore, exempt from compliance  
2 with the California Environmental Quality Act.

3  
4 **SECTION 5:** This Resolution shall go into full force and effect in conjunction with the  
5 effective date of Ordinance Bill No. 13-029.

6 **SECTION 6:** The City Clerk is authorized and directed to cause this Ordinance to be  
7 published within 15 days after its passage in a newspaper of general circulation and  
8 circulated within the City in accordance with Government Code Section 36933(a) or, to  
9 cause this Ordinance to be published in the manner required by law using the  
10 alternative summary and posting procedure authorized under Government Code  
11 Section 36933(c).

12 **PASSED, APPROVED, AND ADOPTED** this 9<sup>th</sup> day of July, 2013.

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15 \_\_\_\_\_  
16 **Robert Youssef, Mayor**

17 **ATTEST:**

**APPROVED AS TO FORM:**

18 \_\_\_\_\_  
19 **Sarah McComas, City Clerk**

\_\_\_\_\_ **Eric S. Vail, City Attorney**

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

3 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the  
4 foregoing Resolution is the actual Resolution adopted by the City Council of the City of  
5 Hemet and was passed at a regular meeting of the City Council on the 9th day of July, 2013  
6 by the following vote:

7 AYES:

8 NOES:

9 ABSTAIN:

10 ABSENT:

11 \_\_\_\_\_  
12 Sarah McComas, City Clerk

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**EXHIBIT “A”**  
**SCHEDULE OF ADMINISTRATIVE FINES**  
**FOR VIOLATIONS OF THE HEMET MUNICIPAL CODE**  
**(AND OTHER CODES ADOPTED THEREIN)**

Unless otherwise specified in the following schedule or specifically identified in the Hemet Municipal Code, the administrative fine for violations of the Hemet Municipal Code (and other codes adopted therein) enforced pursuant to the provisions of Article 2 of Chapter 1 of the Hemet Municipal Code shall be as follows

- \$100 for the 1<sup>st</sup> offense
- \$200 for the 2<sup>nd</sup> offense of the same provision within a 12-month period of time
- \$500 for the 3<sup>rd</sup> or greater offense of the same provision within a 12-month period of time

Code Section (HMC)	Description of Violation	First Offense	Second Offense (in 12-month period)	Third Offense (in 12-month period)
<i>Chapter 14 (“Buildings and Building Regulations”)</i>				
<i>Article XI (“Maintenance, Security and Rehabilitation of Abandoned or Vacant Property”)</i>				
	Violation of Provision of Article XI	\$500	\$1000	\$2500
<i>Chapter 46 (“Offenses and Miscellaneous Provisions”)</i>				
<i>Article IV (“Abatement of Chronic Nuisance Properties”)</i>				
Sec. 46-65	“Chronic Nuisances Prohibited”	\$1000	\$2500	\$5000