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



FROM: TLMA - Transportation Department

SUBMITTAL DATE: June 3, 2014

**SUBJECT:** Introduce and Adopt Ordinance No. 824.14 to Include a New Exemption for New Construction of Specially Adapted Single-Family Homes for Severely Disabled Veterans Under the Western Riverside County Transportation Uniform Mitigation Fee Program. 1<sup>st</sup>/1<sup>st</sup>, 2<sup>nd</sup>/2<sup>nd</sup>, 3<sup>rd</sup>/3<sup>rd</sup>, and 5<sup>th</sup>/5<sup>th</sup> Districts; [\$0]

# **RECOMMENDED MOTION:** That the Board of Supervisors:

- 1. Introduce Ordinance No. 824.14 to include a new exemption for new construction of specially adapted single-family homes for severely disabled veterans under the Western Riverside County Transportation Uniform Mitigation Fee Program; and
- 2. Adopt Ordinance No. 824.14 at the next subsequent Board of Supervisors meeting; and
- 3. Find the adoption of Ordinance No. 824.14 is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty there is no possibility the ordinance may have a significant effect on the environment.

Juan C. Perez, Director of Transportation and Land Management

Patricia Romo
Assistant Director of Transportation

would a

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:		Total Cost:		Oi	ngoing Cost:	POLICY/O	
COST	\$ 0	\$	0	\$	0	\$	0	Consent □	Dollar E
NET COUNTY COST	\$ (	\$	0	\$	0	\$	0	0 Consent	Policy 🔼
SOURCE OF FUN	DS: N/A						Budget Adjustn	nent: N/A	
							For Fiscal Year	: N/A	
C.E.O. RECOMME	NDATION:	AP	PF	ROVE	١		·		

**County Executive Office Signature** 

MINUTES OF THE BOARD OF SUPERVISORS

□ Positions Added	☐ Change Order
□ A-30	□ 4/5 Vote

FORM APPROVED COUNTY COUNSEL

Prev. Agn. Ref.: 3.68 of 06/17/14 District: 1/1, 2/2, 3/3, and 5/5 Agenda Number:

3-62

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

**FORM 11:** Introduce and Adopt Ordinance No. 824.14 to Include a New Exemption for New Construction of Specially Adapted Single-Family Homes for Severely Disabled Veterans Under the Western Riverside County Transportation Uniform Mitigation Fee Program. 1<sup>st</sup>/1<sup>st</sup>, 2<sup>nd</sup>/2<sup>nd</sup>, 3<sup>rd</sup>/3<sup>rd</sup>, 5<sup>th</sup>/5<sup>th</sup> Districts [\$0]

**DATE:** June 3, 2014

**PAGE:** 2 of 2

#### BACKGROUND:

### Summary

The County of Riverside (County) is a Member Agency of the Western Riverside Council of Governments (WRCOG), a joint powers agency comprised of the County, March Joint Powers Authority, and seventeen (17) cities located in western Riverside County. Acting in concert, the WRCOG Member Agencies developed a plan whereby the shortfall in funds needed to enlarge the capacity of the Regional System of Highways and Arterials due to new development in western Riverside County could be made up, in part, by a Transportation Uniform Mitigation Fee (TUMF) on future residential, commercial, and industrial development. As a Member Agency of WRCOG, and as a TUMF participating jurisdiction, the County participated in the preparation of a certain "Western Riverside County Transportation Uniform Fee Nexus Study," (2009 Nexus Study) later adopted by the WRCOG Executive Committee. Based on the 2009 Nexus Study, the County adopted and implemented an ordinance authorizing the County's participation in the TUMF Program. On November 24, 2009, the County adopted the 2009 Nexus Study and Ordinance 824.7 to implement the TUMF Program in the County.

Pursuant to the Mitigation Fee Act (Gov. Code §§ 66000 *et seq.*), WRCOG, upon the recommendation of the WRCOG Executive Committee, now desires to amend the TUMF ordinance to include the following exemption:

• Exempt non-profit 501 (c) (3) organizations that build new single-family homes specifically constructed and adapted for qualifying severely disabled veterans injured in theatre of combat operations.

On April 7, 2014, the WRCOG Executive Committee reviewed the proposed exemption and recommended TUMF participating jurisdictions amend their TUMF ordinances to reflect the changes.

#### Impact on Residents and Businesses

N/A

#### **SUPPLEMENTAL:**

#### **Additional Fiscal Information**

The proposed TUMF ordinance recommendation to exempt non-profit 501 (c) (3) organizations from paying TUMF is specific in that it limits the exemption to new specially adapted single-family homes for severely disabled veterans who are the recipients of a Veterans Administration Specially Adapted Housing (SAH) Grant or its equivalent. This short-fall in fee collection is anticipated to be approximately one million dollars and will be accounted for in the 2014 TUMF Network Update, and represents roughly 0.02% of the total current TUMF Network.

#### **Contract History and Price Reasonableness**

N/A

# **ATTACHMENTS:**

A. Ordinance No. 824.14

# ORDINANCE NO. 824.14

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follows:

# AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 824 AUTHORIZING PARTICIPATION IN THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. A new subsection g. is added to Section 5. of Ordinance No. 824 to read as

"g. <u>Disabled Veteran</u>. Any veteran who is retired or is in the process of medical retirement from military service, who is or was severely injured in a theatre of combat operations, and has or received a letter of eligibility for the Veterans Administration Specially Adapted Housing (SAH) Grant Program."

Section 2. Existing subsections g., h., i., j., and k. of Section 5. of Ordinance 824 are relettered subsections h., i., j., k., and l. respectively.

Section 3. A new subsection m. is added to Section 5. of Ordinance No. 824 to read as follows:

"m. Non-Profit Organization. An organization operated exclusively for exempt purposes set forth in section 501(c)(3) of the Internal Revenue Code, and none of its earnings may inure to any private shareholder or individual. In addition, it may not be an action organization, (i.e., it may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for or against political candidates). For the purposes of the TUMF Program, the non-profit must be a 501(c)(3) charitable organization as defined by the Internal Revenue Service."

1	Section 4.	Existing subsections l., m., n., o., p., q., r., s., and t. of Section 5. of					
2	Ordinance No. 824 are relette	nance No. 824 are relettered subsections n., o., p., q., r., s., t., u., and v. respectively.					
3	Section 5.	A new subsection k. is added to Section 8. of Ordinance No. 824 to read as					
4	follows:						
5	"k.	New single family homes, constructed by Non-Profit Organizations,					
6		specially adapted and designed for maximum freedom of movement and					
7		independent living for qualified Disabled Veterans."					
8	Section 6.	This ordinance shall take effect thirty (30) days after its adoption.					
9 10		BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA					
11		Ву:					
12		Chairman					
13	ATTEST: Kecia Harper-Ihem						
14 15	CLERK OF THE BOARD:						
16							
17	By:						
18	Deputy						
19	(SEAL)						
20							
21	APPROVED AS TO FORM June_5_, 2014						
23							
24	By: Nall A Land						
25	Dale Gardner\ Deputy County Counsel						
26							
27	DAG:mdk 06/05/14 G:\PROPERTY\MDUSEK\DAG\ORD	INANCE 824 14 DV EXEMPT (6).DOC					