

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



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
December 8, 2010

SUBJECT: Urgency Interim Ordinance No. 824.8, Extending the Temporary Fee Reduction Period for the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program; Initiation of Amendment to Ordinance No. 824.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Urgency Interim Ordinance No. 824.8, extending for thirty days the temporary fee reduction period for the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program; and
2. Find the adoption of Ordinance No. 824.8 is exempt from 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; and
3. Adopt an order initiating an amendment to Riverside County Ordinance No. 824, to extend the temporary fee reduction period for one year; and
4. Direct and authorize the Transportation Department to prepare and process the amendment to Ordinance No. 824.

(Continued on Attached Page)

Juan C. Perez, Director of Transportation

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:	
	Current F.Y. Net County Cost:	\$	Budget Adjustment:	
	Annual Net County Cost:	\$	For Fiscal Year:	

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30 <input type="checkbox"/>
	Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

BY:
Dean Deines

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and the above ordinance is adopted as recommended with waiver of reading.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
 Nays: None
 Absent: None
 Date: December 14, 2010
 xc: Transp., MC, COB, Co.Co., WRCOG

Kecia Harper-Ihem
 Clerk of the Board
 By:
 Deputy

Prev. Agn. Ref.: 12/1/09 3.33 | **District:** 1,2,3,5 | **Agenda Number:**

3.70

FORM APPROVED COUNTY COUNSEL
 BY: Cynthia M. Gunzel 12-13-10
 DATE: SYNTHIA M. GUNZEL

Departmental Concurrence

☐ Consent ☒ Policy
☐ Consent ☒ Policy

Dep't Recomm.:
 Per Exec. Ofc.:

The Honorable Board of Supervisors

RE: Urgency Interim Ordinance No. 824.8, Extending the Temporary Fee Reduction Period for the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program; Initiation of Amendment to Ordinance No. 824.

December 8, 2010

Page 2 of 2

At the December 6, 2010 meeting of the Western Riverside Council of Governments (WRCOG), the Executive Committee unanimously endorsed giving local jurisdictions the options of extending the 50% temporary TUMF fee reduction adopted in December 2009, adopting a 25% temporary fee reduction or not agreeing to any fee reduction. This Board took a position last year to adopt the 50% temporary fee reduction to stimulate development activity and construction jobs. The reduction was also taken in recognition of the fact that the cost of delivering transportation projects had been reduced during this economic cycle. A number of cities also adopted the 50% fee reduction at that time.

The information gathered by WRCOG indicates that the amount of additional funds that would have been collected, had the 50% reduction not been adopted, is estimated to be roughly \$10 million for the entire Western County area. It is unknown if this is truly lost revenue, or if some development projects would not have moved forward without the fee reduction, thereby creating even less revenue for the program. By extending this temporary fee reduction, the County understands it will need to demonstrate that any loss of fees that would have been collected will be made up through recommended specific, effective costs savings, repayment methods or alternative funding sources. A reduction in project costs and cost saving measures is the County's preferred choice. The \$10 million is a small percentage of the overall TUMF Program, which is expected to generate over \$3.7 billion over the next 25 years. Over \$520 million has been collected since the inception of the program in February 2003.

We are not seeing any signs of a rebound in economic conditions, and we are still seeing significantly lower construction costs that can offset the reduction in revenue. However, there is a recognition that this needs to be monitored closely so that we are able to react to significant changes in either development activity or a rise in construction prices. Given this, the WRCOG Executive Committee recommended that the allowance of the temporary fee reduction be brought back for another look should the aggregate amount of the fees that would have been collected, from inception of the fee reduction, reach \$20 million.

It is imperative to make the same fee reduction adjustment to the entire TUMF Schedule to assure that each development continues to contribute a fair share of the total TUMF Program costs. The benefit of extending the temporary fee reduction outweighs the resulting limited decrease in TUMF revenues and will not have a material effect on the ability to fulfill the purposes of the TUMF program. Temporary fee reductions, while they serve as an important economic stimulus mechanism, must be balanced with extending such reductions for the proposed limited time so as to not jeopardize the applicability of the Nexus Study, the integrity of the TUMF Program, and the ability to deliver currently programmed and future planned projects.

Urgency Interim Ordinance No. 824.8 immediately extends the 50% temporary fee reduction for thirty days, which otherwise would expire on December 31, 2010. If granted, the request for an order initiating an amendment to Ordinance No. 824 would allow staff to prepare and present an amendment that would extend the temporary fee reduction for one year until December 31, 2011.

1 immediately and the County must comply with this directive to remain a participating agency in
2 the Western Riverside County TUMF Program and stay eligible to receive the funds necessary
3 for its vital transportation projects; and

4 e. The loss of funds the County would suffer if it fails to comply with WRCOG's
5 directive would significantly and detrimentally affect public welfare by severely limiting the
6 County's ability to provide necessary road improvements. Absent these improvements, an
7 unacceptably high level of traffic congestion would occur within and around Western Riverside
8 County.

10 BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

11 By: Marion Ashley
Chairman MARION ASHLEY

12 ATTEST: KECIA HARPER-IHEM
13 CLERK OF THE BOARD:

14 By: Kecia Harper-Ihem
15 Deputy

16 (SEAL)

17 APPROVED AS TO FORM

18 December 13, 2010

19 By: Synthia M. Gunzel
20 Cynthia M. Gunzel
21 Deputy County Counsel
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13 STATE OF CALIFORNIA)
14 COUNTY OF RIVERSIDE) ss
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16 I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county
17 held on December 14, 2010, the foregoing ordinance consisting of 2 Sections was adopted
18 by the following vote:

19 AYES: Buster, Tavaglione, Stone, Benoit, and Ashley

20 NAYS: None

21 ABSENT: None

22 DATE: December 14, 2010

23 KECIA HARPER-IHEM
Clerk of the Board

24 BY: Karen Harper
Deputy

25 SEAL
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OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

December 21, 2010

THE PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

FAX: (951) 368-9018
E-MAIL: legals@pe.com

RE: ADOPTION OF ORDINANCE NO. 824.8 Urgency Interim Ordinance Extending
Temporary Fee Reduction Period

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Thursday, December 23, 2010.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, WITH TWO CLIPPINGS OF THE PUBLICATION.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Mcgil

Cecilia Gil, Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: PE Legals [legals@pe.com]
Sent: Tuesday, December 21, 2010 8:16 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: ADOPTION OF ORD. NO. 824.8

Hi Cecilia, I will go ahead and squeeze this notice in for the 23rd, but please make sure to follow the below holiday deadlines for all future ads.

Please Note: The Press Enterprise Offices will be closed on Friday, December 24th in observance of the Christmas Holiday and on Friday, December, 31st in observance of the New Years Day Holiday. Our Legal Advertising Holiday deadlines are as follows:

Pub Date	Deadline to PE
Dec. 22 & 23	12/20 @ 10:30 AM
Dec. 24 & 25	12/21 @ 10:30 AM
Dec. 26 – 28	12/22 @ 10:30 AM
Dec. 29 & 30	12/27 @ 10:30 AM
Dec. 31 & Jan. 1	12/28 @ 10:30 AM
Jan. 2 – Jan. 4	12/29 @ 10:30 AM

From: Gil, Cecilia [mailto:CCGIL@rcbos.org]
Sent: Monday, December 20, 2010 5:27 PM
To: PE Legals
Subject: FOR PUBLICATION: ADOPTION OF ORD. NO. 824.8

Hello again! Attached is an Adoption of Ordinance, for publication on Thursday, Dec. 23, 2010. Please confirm.
THANK YOU!

Cecilia Gil
Board Assistant to the
Clerk of the Board of Supervisors
951-955-8464

**THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.
PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.**

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

ORDINANCE NO. 824.8
AN URGENCY INTERIM 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. The introductory sentence of Section 7. of Ordinance No. 824 is amended to read as follows:

“Section 7. TEMPORARY FEE REDUCTION PERIOD. Pursuant to the fee adjustment authority set forth in Section 6.c. and notwithstanding Section 6.a., or any other provision of this ordinance, the following TUMF fee schedule shall apply for the period commencing on January 1, 2010 and ending on January 13, 2011:”

Section 2. This ordinance is hereby declared to be an urgency measure and shall take effect immediately upon its adoption and shall have no further force and effect thirty (30) days after its adoption unless extended pursuant to law. In accordance with the requirements of Government Code section 66017, subsection (b), the Board of Supervisors hereby declares that the provisions contained herein are necessary for the immediate preservation of the public health, welfare and safety for the following reasons:

a. On December 31, 2010, the temporary fee reduction schedule for the TUMF program will expire; and

b. The extension of the temporary fee reduction will reduce the overall costs of development, thereby encouraging economic growth and minimizing the ongoing impact of the economic recession on development and construction in Western Riverside County; and

c. Absent an immediate extension of the temporary fee reduction, permits and construction starts anticipated from pending development projects will either be halted or delayed until expiration of the otherwise required thirty (30) day waiting period; and

d. WRCOG has directed the County to implement this temporary fee reduction immediately and the County must comply with this directive to remain a participating agency in the Western Riverside County TUMF Program and stay eligible to receive the funds necessary for its vital transportation projects; and

e. The loss of funds the County would suffer if it fails to comply with WRCOG's directive would significantly and detrimentally affect public welfare by severely limiting the County's ability to provide necessary road improvements. Absent these improvements, an unacceptably high level of traffic congestion would occur within and around Western Riverside County.

Marion Ashley, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **December 14, 2010**, the foregoing Ordinance consisting of two (2) sections was adopted by said Board by the following vote:

AYES: Buster, Tavaglione, Stone, Benoit and Ashley
NAYS: None
ABSENT: None

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

⑨ REMITTANCE ADDRESS
 POST OFFICE BOX 12009
 RIVERSIDE, CA 92502-2209
 FAX (951) 368-9026

① BILLING PERIOD 12/23/10 - 12/23/10
 ② ADVERTISING/CLIENT NAME BOARD OF SUPERVISORS
 ③ BILLING DATE 12/23/10
 ④ FOR BILLING INFORMATION CALL (951) 368-9713
 ⑤ PAGE NO 1
 ⑥ TOTAL AMOUNT DUE 204.10
 ⑦ UNAPPLIED AMOUNT
 ⑧ TERMS OF PAYMENT Due Upon Receipt

⑩ BILLED ACCOUNT NAME AND ADDRESS
 BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE
 P.O. BOX 1147
 RIVERSIDE CA 92502

⑪ BILLED ACCOUNT NUMBER 045202
 ⑫ REP NO LE04

Statement #: 56575611 Amount Paid \$ _____ Your Check # _____


PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

⑬ DATE	⑭ REFERENCE	⑮ ⑯ ⑰ DESCRIPTION-OTHER COMMENTS/CHARGES	⑱ SAU SIZE ⑲ BILLED UNITS	⑳ RATE	㉑ GROSS AMOUNT	㉒ NET AMOUNT
12/23	4258695 C0	ORDINANCE 824.8 Class : 10 Ctext Ad# 10503137 Placed By : Cecilia Gil	157 L	1.30		204.10

RECEIVED RIVERSIDE COUNTY
 CLERK/BOARD OF SUPERVISORS
 2010 DEC 30 PM 1:47

Transp.
 3.70 of 12/14/10
 1 hr

㉓ CURRENT NET AMOUNT DUE	㉔ 30 DAYS	㉕ 60 DAYS	㉖ OVER 90 DAYS	㉗ UNAPPLIED AMOUNT	㉘ PLEASE PAY THIS AMOUNT
					204.10

THE PRESS-ENTERPRISE  P.O. BOX 12009
 RIVERSIDE, CA 92502-2209
 TELEPHONE (951) 368-9711
 (951) 368-9720 □ (951) 368-9713

ADVERTISING
 STATEMENT/INVOICE

* UNAPPLIED AMOUNTS ARE INCLUDED IN TOTAL AMOUNT DUE

㉙ STATEMENT NUMBER	㉚ BILLING PERIOD	㉛ BILLED ACCOUNT NUMBER	㉜ ADVERTISER/CLIENT NUMBER	㉝ ADVERTISER/CLIENT NAME
56575611	12/23/10 - 12/23/10	045202		BOARD OF SUPERVISORS

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THE PRESS-ENTERPRISE

3450 Fourteenth Street
Riverside CA 92501-3878
951-684-1200
951-368-9018 FAX

**PROOF OF PUBLICATION
(2010, 2015.5 C.C.P.)**

Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: ordinance 824.8

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

12-23-10

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: Dec. 23, 2010

At: Riverside, California

BOARD OF SUPERVISORS

P.O. BOX 1147
COUNTY OF RIVERSIDE
RIVERSIDE CA 92502

Ad #: 10503137

PO #:

Agency #: _____

Ad Copy:

BOARD OF SUPERVISORS OF THE COUNTY OF
RIVERSIDE, STATE OF CALIFORNIA

ORDINANCE NO. 824.8

AN URGENCY INTERIM ORDINANCE OF THE
COUNTY OF RIVERSIDE
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AYES: Buster, Tavaglione, Stone, Benoit and Ashley

NAYS: None

ABSENT: None

Kecia Harper-Ihem, Clerk of the Board

By: Cecilia Gil, Board Assistant

12/23