

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

188A



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
December 28, 2010

SUBJECT: Ordinance No. 824.9, Extending Urgency Interim Ordinance No. 824.8; Ordinance No. 824.10, Extending the Temporary Fee Reduction Period for the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Ordinance No. 824.9, extending for an additional 30 days the initial 30-day extension of the temporary fee reduction period for the TUMF Program authorized by Urgency Interim Ordinance 824.8; and

(Continued on Attached Page)



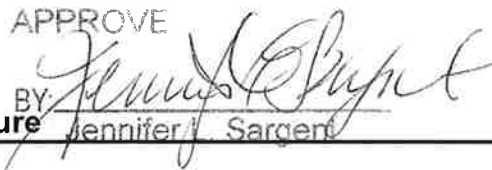
Juan C. Perez, Director of Transportation

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

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

BY: 
Jennifer J. Sargent

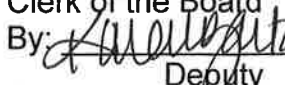
County Executive Office Signature

Consent
 Policy
 Consent
 Policy

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: January 11, 2011
xc: Transp., COB

Kecia Harper-Ihem
 Clerk of the Board
 By: 
 Deputy

3.81

FORM APPROVED COUNTY COUNSEL
 BY:  GUNZEL 12-29-10
 CYNTHIA M. GUNZEL / Department Director

Dept Recomm.:
 Per Exec. Ofc.:

The Honorable Board of Supervisors

RE: Ordinance No. 824.9, Extending Urgency Interim Ordinance No. 824.8; Ordinance No. 824.10, Extending the Temporary Fee Reduction Period for the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program.

December 28, 2010

Page 2 of 3

RECOMMENDED MOTION: (continued)

2. Introduce and adopt, on successive weeks, Ordinance No. 824.10, Extending for one year the Temporary Fee Reduction Period for the TUMF Program; and
3. Find the adoption of Ordinance Nos. 824.9 and 824.10 are 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.

BACKGROUND:

Urgency Interim Ordinance No. 824.9 immediately extends the 50% temporary fee reduction for an additional thirty days, which otherwise would have expired on December 31, 2010. Ordinance No. 824.10 is an amendment that would extend the temporary fee reduction for one year until December 31, 2011 unless the WRCOG Executive Committee directs that the temporary fee reduction be terminated or modified sooner than one year, if at such time, the aggregate amount of fees that would have been collected, from inception of the fee reduction, reach \$20 million. County would modify this ordinance prior to December 31, 2011 in accordance with WRCOG's directive.

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.

The Honorable Board of Supervisors

RE: Ordinance No. 824.9, Extending Urgency Interim Ordinance No. 824.8; Ordinance No. 824.10, Extending the Temporary Fee Reduction Period for the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program.

December 28, 2010

Page 3 of 3

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.

County Counsel has approved as to form.

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

4 d. WRCOG has directed the County to take action concerning the temporary fee
5 reduction schedule before the schedule expires; and

6 e. Failure to comply with WRCOG's directive may limit the County's ability to
7 provide necessary road improvements. Absent these improvements, an unacceptably high level
8 of traffic congestion would occur within and around Western Riverside County.

9
10 BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

11 By: Bob Buster
12 Chairman Bob Buster

13 ATTEST: Kecia Harper-Ihem
CLERK OF THE BOARD:

14 By: Kecia Harper-Ihem
15 Deputy

16 (SEAL)
17
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21 APPROVED AS TO FORM

December 29, 2010

22 By: Synthia M. Gunzel
23 Synthia M. Gunzel
24 Deputy County Counsel
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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on January 11, 2011, the foregoing ordinance consisting of 3 Sections was adopted by the following vote:

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

DATE: January 11, 2011

KECIA HARPER-IHEM
Clerk of the Board

BY: 
Deputy

SEAL



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

January 19, 2011

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. 824.9

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Saturday, January 22, 2011**.

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: Rector, Kimberly
Sent: Wednesday, January 19, 2011 9:58 AM
To: Gil, Cecilia
Subject: FW: PACKET-Ord. 824.9.doc

From: PE Legals [<mailto:legals@pe.com>]
Sent: Wednesday, January 19, 2011 9:53 AM
To: Rector, Kimberly
Subject: RE: PACKET-Ord. 824.9.doc

Received for publication on Jan. 22

Thank You!

enterprise media

Publisher of the Press-Enterprise

Maria G. Tinajero • Legal Advertising Department

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Additional days required for larger ad sizes

From: Rector, Kimberly [<mailto:KRECTOR@rcbos.org>]
Sent: Wednesday, January 19, 2011 8:44 AM
To: PE Legals
Cc: Gil, Cecilia
Subject: PACKET-Ord. 824.9.doc

To Whom it May Concern:

Attached is Ordinance No. 824.9 for publication in your newspaper for one time on Saturday, January 22, 2011.

Please let me know if there is anything else you require.

Sincerely,

Kimberly Rector



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

January 19, 2011

THE CALIFORNIAN
ATTN: LEGALS
28765 SINGLE OAK DR., STE. 100
TEMECULA, CA 92590

FAX: (951) 699-1467
E-MAIL: tswenson@nctimes.com

RE: ADOPTION OF ORDINANCE NO. 824.9

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Saturday, January 22, 2011**.

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: Rector, Kimberly
Sent: Wednesday, January 19, 2011 8:57 AM
To: Gil, Cecilia
Subject: FW: PACKET-Ord. 824.9.doc

From: Tammi Swenson [<mailto:TSwenson@nctimes.com>]
Sent: Wednesday, January 19, 2011 8:53 AM
To: Rector, Kimberly
Subject: RE: PACKET-Ord. 824.9.doc

Received...

Tammi Swenson
Legal Advertising Representative
The Californian & The North County Times
Riverside County: (951)676-4315 ext 2604
San Diego County: (760)745-6611 ext 2604
tswenson@nctimes.com

From: Rector, Kimberly [<mailto:KRECTOR@rcbos.org>]
Sent: Wednesday, January 19, 2011 8:47 AM
To: Tammi Swenson
Cc: Gil, Cecilia
Subject: PACKET-Ord. 824.9.doc

To Whom It May Concern:

Attached is Ordinance No. 824.9 for publication in your newspaper for one time on Saturday, January 22, 2011.

Please let me know if there is anything further you require.

Sincerely,

Kimberly Rector

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

ORDINANCE NO. 824.9
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
EXTENDING URGENCY INTERIM ORDINANCE NO. 824.8
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. Pursuant to section 66017 of the Government Code and notwithstanding any provision of Ordinance No. 824 to the contrary, Ordinance No. 824.8 is hereby extended for thirty (30) days from the date of its expiration, because absent an extension, the temporary fee reduction period will expire prior to the effective date of Ordinance No. 829.10.

Section 2. 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 13, 2010 and ending on February 12, 2011:”

Section 3. 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 finds that the provisions contained herein are necessary for the immediate preservation of the public health, welfare and safety for the following reasons:

a. On January 13, 2011, 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 take action concerning the temporary fee reduction schedule before the schedule expires; and

e. Failure to comply with WRCOG’s directive may limit 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.

Bob Buster, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **January 11, 2011**, the foregoing Ordinance consisting of three (3) 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

enterprise media

Legal Advertising Invoice

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THE BUSINESS PRESS **SoCal**
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Transp. 3.81 of 01/11/11

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THE PRESS-ENTERPRISE

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951-368-9018 FAX

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

Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Adoption Ord. 824.9

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:

01-22-11

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

Date: Jan. 22, 2011
At: Riverside, California



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

Ad #: 10532539

PO #:

Agency #: _____

Ad Copy:

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

ORDINANCE NO. 824.9

AN ORDINANCE OF THE COUNTY OF RIVERSIDE EXTENDING URGENCY INTERIM ORDINANCE NO. 824.8 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. Pursuant to section 66017 of the Government Code and notwithstanding any provision of Ordinance No. 824 to the contrary, Ordinance No. 824.8 is hereby extended for thirty (30) days from the date of its expiration, because absent an extension, the temporary fee reduction period will expire prior to the effective date of Ordinance No. 829.10.

Section 2. 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 13, 2010 and ending on February 12, 2011:"

Section 3. 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 finds that the provisions contained herein are necessary for the immediate preservation of the public health, welfare and safety for the following reasons:

a. On January 13, 2011, 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 take action concerning the temporary fee reduction schedule before the schedule expires; and

e. Failure to comply with WRCOG's directive may limit 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.

Bob Buster, Chairman of the Board
I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on January 11, 2011, the foregoing Ordinance consisting of three (3) sections was adopted by said Board by the following vote:

AYES: Buster, Tavaglione, Stone, Benoit and Ashley

NAYS: None

ABSENT: None

Kecia Harper-Ihern, Clerk of the Board

By: Cecilia Gil, Board Assistant

1/22

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of Riverside

I am a citizen of the United States and a resident of the County aforesaid. 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



An Edition of the North County Times

a newspaper of general circulation, published DAILY in the City of Temecula, California, 92590, County of Riverside, Three Lake Judicial District, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under the date of February 26, 1991, Case Number 209105; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof, on the following dates, to wit:

January 22 2011

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

Dated at TEMECULA, CALIFORNIA, this

22nd day of January, 2011

Signature

Tammi E. Swenson
Legal Advertising Representative

Title

ORDINANCE NO. 824.9 Riverside County Board of Supervisors

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

ORDINANCE NO. 824.9

AN ORDINANCE OF THE COUNTY OF RIVERSIDE
EXTENDING URGENCY INTERIM ORDINANCE NO. 824.8
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. Pursuant to section 66017 of the Government Code and notwithstanding any provision of Ordinance No. 824 to the contrary, Ordinance No. 824.8 is hereby extended for thirty (30) days from the date of its expiration, because absent an extension, the temporary fee reduction period will expire prior to the effective date of Ordinance No. 829.10.

Section 2. 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 13, 2010 and ending on February 12, 2011:"

Section 3. 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 finds that the provisions contained herein are necessary for the immediate preservation of the public health, welfare and safety for the following reasons:

- a. On January 13, 2011, 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 take action concerning the temporary fee reduction schedule before the schedule expires; and
- e. Failure to comply with WRCOG's directive may limit 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.

Bob Buster, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **January 11, 2011**, the foregoing Ordinance consisting of three (3) 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

PUB: 1/22/2011

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

188A



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
December 28, 2010

SUBJECT: Ordinance No. 824.9, Extending Urgency Interim Ordinance No. 824.8; Ordinance No. 824.10, Extending the Temporary Fee Reduction Period for the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Ordinance No. 824.9, extending for an additional 30 days the initial 30-day extension of the temporary fee reduction period for the TUMF Program authorized by Urgency Interim Ordinance 824.8; and

(Continued on Attached Page)



Juan C. Perez, Director of Transportation

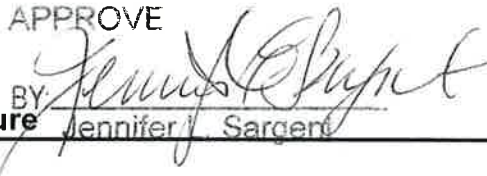
FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

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

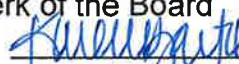
County Executive Office Signature

BY: 
Jennifer J. Sargent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: January 11, 2011
xc: Transp., COB

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

FORM APPROVED COUNTY COUNSEL
BY:  CYNTHIA M. GUNZEL / Department DA Concurrence 12-29-10

Consent Policy
Consent Policy

Dept's Recomm.:
Per Exec. Ofc.:

The Honorable Board of Supervisors

RE: Ordinance No. 824.9, Extending Urgency Interim Ordinance No. 824.8; Ordinance No. 824.10, Extending the Temporary Fee Reduction Period for the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program.

December 28, 2010

Page 2 of 3

RECOMMENDED MOTION: (continued)

2. Introduce and adopt, on successive weeks, Ordinance No. 824.10, Extending for one year the Temporary Fee Reduction Period for the TUMF Program; and
3. Find the adoption of Ordinance Nos. 824.9 and 824.10 are 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.

BACKGROUND:

Urgency Interim Ordinance No. 824.9 immediately extends the 50% temporary fee reduction for an additional thirty days, which otherwise would have expired on December 31, 2010. Ordinance No. 824.10 is an amendment that would extend the temporary fee reduction for one year until December 31, 2011 unless the WRCOG Executive Committee directs that the temporary fee reduction be terminated or modified sooner than one year, if at such time, the aggregate amount of fees that would have been collected, from inception of the fee reduction, reach \$20 million. County would modify this ordinance prior to December 31, 2011 in accordance with WRCOG's directive.

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.

The Honorable Board of Supervisors

RE: Ordinance No. 824.9, Extending Urgency Interim Ordinance No. 824.8; Ordinance No. 824.10, Extending the Temporary Fee Reduction Period for the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program.

December 28, 2010

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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.

County Counsel has approved as to form.

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

4 d. WRCOG has directed the County to take action concerning the temporary fee
5 reduction schedule before the schedule expires; and

6 e. Failure to comply with WRCOG's directive may limit the County's ability to
7 provide necessary road improvements. Absent these improvements, an unacceptably high level
8 of traffic congestion would occur within and around Western Riverside County.

9
10 BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

11 By: Bob Buster
12 Chairman Bob Buster

13 ATTEST: Kecia Harper-Ihem
CLERK OF THE BOARD:

14 By: Kecia Harper-Ihem
15 Deputy

16 (SEAL)
17
18
19

20
21 APPROVED AS TO FORM
December 29, 2010

22
23 By: Synthia M. Gunzel
24 Synthia M. Gunzel
Deputy County Counsel

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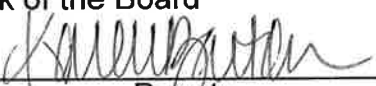
STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on January 11, 2011, the foregoing ordinance consisting of 3 Sections was adopted by the following vote:

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

DATE: January 11, 2011

KECIA HARPER-IHEM
Clerk of the Board

BY: 
Deputy

SEAL