

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

448 A



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
January 27, 2011

SUBJECT: Ordinance No. 824.11, Extending Urgency Interim Ordinance No. 824.8, 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. 824.11, 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
2. Find the adoption of Ordinance No. 824.11 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.

(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

BY: Jennifer L. Sargent
Jennifer L. Sargent

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
 BY: Synthia M. Gunzel 2-1-11
 SYNTHIA M. GUNZEL
 Department Concurrence DATE

Policy
 Policy

Consent
 Consent

ATTACHMENTS FILED WITH
 THE CLERK OF THE BOARD

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Buster 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: February 8, 2011
xc: Transp., COB, MC

Kecia Harper-Ihem
 Clerk of the Board
 By: Kecia Harper-Ihem
 Deputy

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

Prev. Agn. Ref.: 12/1/09 3.33 12/14/10 3.70 1/11/11 3.81	District: 1,2,3,5	Agenda Number:
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3.42

BACKGROUND:

Urgency Interim Ordinance No. 824.11 immediately extends the 50% temporary fee reduction for an additional thirty days the initial 30 day extension, which otherwise would have expired on December 31, 2010. To extend this additional thirty days will preserve the 50% temporary fee reduction and will be repealed without further action by the Board upon the effective date of Ordinance No. 824.10. Ordinance No. 824.10 was introduced on January 11, 2011, adopted on January 25, 2011 and effective on February 24, 2011 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.

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.

The Honorable Board of Supervisors

RE: Ordinance No. 824.11, Extending Urgency Interim Ordinance No. 824.8

January 27, 2011

Page 3 of 3

BACKGROUND: (continued from page 2)

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 economic recession on development and construction in Western Riverside County; and

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

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

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

10 Section 4. Upon the effective date of Ordinance No. 824.10, this ordinance is repealed
11 without further action of the Board of Supervisors.

12
13 BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

14 By: Bob Buster
15 Chairman Bob Buster

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

17 By: Kecia Harper-Ihem
18 Deputy

19 (SEAL)

20
21 APPROVED AS TO FORM

22 January 31, 2011

23
24 By: Synthia M. Gunzel
25 Synthia M. Gunzel
26 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 February 8, 2011, the foregoing ordinance consisting of 4 Sections was adopted by the following vote:

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

NAYS: None

ABSENT: None

DATE: February 8, 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

February 14, 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. 824.11 EXTENDNG URGENCY INTERIM ORD.
NO. 824.8

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Wednesday, February 16, 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: PE Legals [legals@pe.com]
Sent: Monday, February 14, 2011 9:06 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: ADOPTION OF ORD. NO. 824.11

Received for publication on Feb. 16

Thank You!

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Additional days required for larger ad sizes

From: Gil, Cecilia [<mailto:CCGIL@rcbos.org>]
Sent: Monday, February 14, 2011 8:56 AM
To: PE Legals
Subject: FOR PUBLICATION: ADOPTION OF ORD. NO. 824.11

Good morning! Attached is an Adoption of Ordinance, for publication on Wednesday, Feb. 16, 2011. 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. 824.11
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. 824.10.

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 February 12, 2011 and ending on March 11, 2011, unless otherwise amended or repealed by the Board."

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 adopting this ordinance, 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 February 12, 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.

Section 4. Upon the effective date of Ordinance No. 824.10, this ordinance is repealed without further action of the Board of Supervisors.

Bob Buster, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **February 8, 2011**, the foregoing Ordinance consisting of four (4) sections was adopted by said Board by the following vote:

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

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

THE PRESS-ENTERPRISE PT.com

THE BUSINESS PRESS SoCal

LA PRENSA WEEKLY



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

⑥ BILLED ACCOUNT NUMBER | REP NO
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Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Ordinance 824.11

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:

02-16-11

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

Date: Feb. 16, 2011
At: Riverside, California



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

Ad #: 10555998

PO #:

Agency #: _____

Ad Copy:

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

ORDINANCE NO. 824.11

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
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- On February 12, 2011, the temporary fee reduction schedule for the TUMF program will expire; and
- 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
- 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
- WRCOG has directed the County to take action concerning the temporary fee reduction schedule before the schedule expires; and
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NAYS: None

ABSENT: Tavaglione

Kecia Harper-Ihern, Clerk of the Board

By: Cecilia Gil, Board Assistant

2/16

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