



Western Riverside Council of Governments Executive Committee

AGENDA

**Monday, June 5, 2017
2:00 p.m.**

**County of Riverside
Administrative Center
4080 Lemon Street
1st Floor, Board Chambers
Riverside, CA 92501**

The following teleconference number is provided exclusively for members of the public wishing to address the Executive Committee directly during the public hearing portion of item 5.A on the agenda:

**Teleconference: (877) 336-1828
Access Code: 5233066**

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in the Executive Committee meeting, please contact WRCOG at (951) 955-8320. Notification of at least 48 hours prior to meeting time will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting. In compliance with Government Code Section 54957.5, agenda materials distributed within 72 hours prior to the meeting which are public records relating to an open session agenda item will be available for inspection by members of the public prior to the meeting at 4080 Lemon Street, 3rd Floor, Riverside, CA, 92501.

The Executive Committee may take any action on any item listed on the agenda, regardless of the Requested Action.

- 1. CALL TO ORDER / ROLL CALL (Ben Benoit, Chair)**
- 2. PLEDGE OF ALLEGIANCE**

RECESS OF THE WRCOG EXECUTIVE COMMITTEE MEETING TO CONVENE THE MEETING OF THE WRCOG SUPPORTING FOUNDATION, AND RECONVENE THE WRCOG EXECUTIVE COMMITTEE MEETING AT THE ADJOURNMENT OF THE WRCOG SUPPORTING FOUNDATION MEETING

- 3. PUBLIC COMMENTS**

At this time members of the public can address the Executive Committee regarding any items within the subject matter jurisdiction of the Executive Committee that are not separately listed on this agenda. Members of the public will have an opportunity to speak on agenda items at the time the item is called for discussion. No

action may be taken on items not listed on the agenda unless authorized by law. Whenever possible, lengthy testimony should be presented to the Executive Committee in writing and only pertinent points presented orally.

4. CONSENT CALENDAR

All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Executive Committee, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Executive Committee request specific items be removed from the Consent Calendar.

Action items:

- A. **Revised Summary Minutes from the January 9, 2017, Executive Committee meeting** P. 1
are available for consideration.

Requested Action: 1. *Approve the Revised Summary Minutes from the January 9, 2017, Executive Committee meeting.*

- B. **Summary Minutes from the May 1, 2017, Executive Committee meeting** are P. 15
available for consideration.

Requested Action: 1. *Approve the Summary Minutes from the May 1, 2017, Executive Committee meeting.*

- C. **County Treasurer Fund closures** **Ernie Reyna** P. 23

Requested Action: 1. *Adopt WRCOG Resolution Number 13-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments approving the closure of the four funds held by WRCOG with the Riverside County Treasurer.*

- D. **Final draft Fiscal Year 2017/2018 Agency Budget** **Ernie Reyna** P. 35

Requested Action: 1. *Recommend that the General Assembly adopt WRCOG Resolution Number 18-17; A Resolution of the General Assembly of the Western Riverside Council of Governments adopting the Fiscal Year 2017/2018 Agency Budget for the Western Riverside Council of Governments.*

- E. **Transportation Uniform Mitigation Fee (TUMF)** **Christopher Gray** P. 81
Calculation Handbook Update

Requested Action: 1. *Approve the Active Senior Living component for inclusion in the TUMF Calculation Handbook.*

- F. **TUMF Reimbursement Agreements and** **Christopher Gray** P. 93
Transportation Improvement Program Update

Requested Actions: 1. *Approve the 2017 5-Year Transportation Improvement Program for the Central Zone.*
2. *Authorize the Executive Director to execute a TUMF Reimbursement Agreement with the City of Perris for the Perris Boulevard Widening Project in an amount not to exceed \$4,327,570.*

3. *Authorize the Executive Director to execute a TUMF Reimbursement Agreement with the City of Jurupa Valley for the Limonite Avenue Widening Project in an amount not to exceed \$658,000.*

G. PACE Programs Activities Update

Michael Wasgatt

P. 153

- Requested Actions:**
1. *Receive Program summary update.*
 2. *Approve the Administration & Finance Committee recommendation to move forward with including seismic strengthening improvements as eligible improvements for residential and commercial properties participating in the WRCOG PACE Programs, and adopt WRCOG Resolution Number 11-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments declaring its intention to modify the WRCOG PACE Program Report and the California HERO Program Report to authorize the financing of seismic strengthening improvements and setting a public hearing thereon.*
 3. *Approve the Administration & Finance Committee recommendation to not proceed with establishing an SB 555 Program.*
 4. *Approve the Administration & Finance Committee recommendation to not include proposed eligible products for CaliforniaFIRST in the PACE Program Report.*
 5. *Authorize the Executive Director to execute the Auditor-Controller agreement with the County of Amador.*
 6. *Adopt WRCOG Resolution Number 16-16: A Resolution of the Executive Committee of the Western Riverside Council of Governments making certain representations and authorizing the placement of assessments on the tax roll in various counties for the WRCOG and California HERO Programs.*
 7. *Adopt WRCOG Resolution Number 17-16: A Resolution of the Executive Committee of the Western Riverside Council of Governments making certain representations and authorizing the placement of assessments on the tax roll in Riverside County for the CaliforniaFIRST Program.*

Information items:

H. Finance Department Activities Update

Ernie Reyna

P. 193

- Requested Action:**
1. *Receive and file.*

I. Financial Report summary through March 2017

Ernie Reyna

P. 199

- Requested Action:**
1. *Receive and file.*

J. Regional Streetlight Program Activities Update

Tyler Masters

P. 205

- Requested Action:**
1. *Receive and file.*

- K. **Western Riverside Energy Partnership Activities Update** **Tyler Masters** **P. 287**
Requested Action: 1. *Receive and file.*
- L. **Environmental Department Activities Update** **Dolores Sanchez Badillo** **P. 303**
Requested Action: 1. *Receive and file.*
- M. **BEYOND Framework Fund Round II funding awards** **Andrea Howard** **P. 307**
Requested Action: 1. *Receive and file.*
- N. **Update on WRCOG Agency office relocation** **Jennifer Ward** **P. 327**
Requested Action: 1. *Receive and file.*

5. **REPORTS / DISCUSSION**

- A. **PACE Programs Public Hearing** **Michael Wasgatt, WRCOG** **P. 329**
Requested Actions: 1. *Conduct a Public Hearing regarding the inclusion of the Cities of Marysville and Shasta Lake.*
2. *Adopt WRCOG Resolution Number 14-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments confirming modification of the California HERO Program Report so as to expand the Program area within which contractual assessments may be offered.*
3. *Accept the Counties of Amador and Glenn Unincorporated areas as Associate Members of the Western Riverside Council of Governments.*
4. *Adopt WRCOG Resolution Number 15-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments declaring its intention to modify the California HERO Program Report so as to increase the Program area within which contractual assessments may be offered and setting a Public Hearing thereon.*
- B. **Report from the League of California Cities** **Erin Sasse, League of California Cities** **P. 395**
Requested Action: 1. *Receive and file.*
- C. **Transportation Uniform Mitigation Fee (TUMF) Nexus Study Update** **Christopher Gray, WRCOG** **P. 397**
Requested Action: 1. *Discuss and provide input regarding comments on the draft Nexus Study.*

**D. Nominations for WRCOG Chair, Vice-Chair, and
2nd Vice-Chair positions for Fiscal Year 2017/2018**

Rick Bishop, WRCOG

P. 475

Requested Action: 1. *Recommend the following to the General Assembly for leadership positions for Fiscal Year 2017/2018:*

Chair: Debbie Franklin, Mayor Pro Tem, City of Banning

Vice-Chair: Chuck Washington, County of Riverside District 3

2nd Vice-Chair: Bonnie Wright, Councilmember, City of Hemet

**6. REPORT FROM THE TECHNICAL ADVISORY
COMMITTEE CHAIR**

Gary Nordquist

7. REPORT FROM COMMITTEE REPRESENTATIVES

SCAG Regional Council and Policy Committee representatives

SCAQMD, Ben Benoit

CALCOG, Laura Roughton

8. REPORT FROM THE EXECUTIVE DIRECTOR

Rick Bishop

9. ITEMS FOR FUTURE AGENDAS

Members

Members are invited to suggest additional items to be brought forward for discussion at future Executive Committee meetings.

10. GENERAL ANNOUNCEMENTS

Members

Members are invited to announce items / activities which may be of general interest to the Executive Committee.

11. CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO SECTION 54957.6

Agency Representative: Committee Chair or designee

Unrepresented Employee: Executive Director

B. PERFORMANCE EVALUATION PURSUANT TO SECTION 54957

Title: Executive Director

12. OPEN SESSION

- 13. NEXT MEETING:**
1. The WRCOG General Assembly meeting is scheduled for Thursday, June 22, 2017, at 6:30 p.m., at the Morongo Casino Resort & Spa, 2nd Floor Ballroom, in Cabazon.
 2. The next WRCOG Executive Committee meeting is scheduled for Friday, June 23, 2017, at 10:00 a.m., at the Morongo Casino Resort & Spa, the Drum Room, 26th Floor, in Cabazon.

14. ADJOURNMENT

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Western Riverside Council of Governments

4.A

Regular Meeting ~ Revised Minutes ~

Monday, January 9, 2017

2:00 PM

County Administrative Center

1. CALL TO ORDER / ROLL CALL

The meeting called to order at 2:05 p.m. on January 9, 2017, at County Administrative Center, 4080 Lemon Street, Riverside, CA.

Jurisdiction	Attendee Name	Status	Arrived
City of Banning	Debbie Franklin	Present	1:59 PM
City of Calimesa		Absent	
City of Canyon Lake	Jordan Ehrenkranz	Present	1:56 PM
City of Corona	Eugene Montanez	Present	1:51 PM
City of Eastvale	Adam Rush	Present	1:57 PM
City of Hemet	Bonnie Wright	Present	2:05 PM
City of Jurupa Valley	Laura Roughton	Present	1:56 PM
City of Lake Elsinore	Brian Tisdale	Present	2:01 PM
City of Menifee	John Denver	Present	1:55 PM
City of Moreno Valley	Yxstian Gutierrez	Present	2:02 PM
City of Murrieta	Kelly Seyarto	Present	1:51 PM
City of Norco	Kevin Bash	Present	2:01 PM
City of Perris	Rita Rogers	Present	1:57 PM
City of Riverside	Rusty Bailey	Present	2:04 PM
City of San Jacinto	Crystal Ruiz	Present	1:58 PM
City of Temecula	Mike Naggar	Present	1:57 PM
City of Wildomar		Absent	
District 1	Kevin Jeffries	Present	1:59 PM
District 2		Absent	
District 3	Chuck Washington	Present	2:00 PM
District 5	Marion Ashley	Present	2:04 PM
EMWD	David Slawson	Present	1:56 PM
WMWD	Brenda Dennstedt	Present	1:52 PM
Morongo		Absent	
Office of Education		Absent	
TAC Chair	Gary Nordquist	Present	1:56 PM
Executive Director	Rick Bishop	Present	1:58 PM

Note: Times above reflect when the member logged in; they may have arrived at the meeting earlier.

2. PLEDGE OF ALLEGIANCE

Committee member Bonnie Wright led members and guests in the Pledge of Allegiance.

3. WELCOME NEW MEMBERS

Chairman Franklin welcomed Mayor Yxstian Gutierrez, City of Moreno Valley; Councilmember Kelly Seyarto, City of Murrieta; and Councilmember Adam Rush, City of Eastvale.

4. PUBLIC COMMENTS

Arnold San Miguel of SCAG announced that an earthquake readiness workshop is scheduled for January 31, 2017, in Ontario. Goals include development of framework to address local vulnerabilities; provide toolkits to support efforts in achieving results for taking action in a reasonable timeframe; and share strategies to build, establish, and/or enhance community-wide partnerships. Each city is being asked to send three representatives.

SCAG is also seeking nominations for its Sustainability Awards; the deadline is in January 2017.

Chairwoman Franklin presented a Proclamation to outgoing Executive Committee member Councilmember Randon Lane, City of Murrieta.

Councilmember Lane stated that he has enjoyed his time on this Committee as both a member and as a past Chairman. Councilmember Lane thanked staff and Committee members for all their hard work.

5. CONSENT CALENDAR

RESULT:	APPROVED AS RECOMMENDED [UNANIMOUS]
MOVER:	City of San Jacinto
SECONDER:	City of Corona
AYES:	Banning, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, Temecula, District 1, District 3, District 5, EMWD, WMWD
ABSENT:	City of Calimesa, City of Wildomar, District 2, Morongo

- A. Summary Minutes from the December 5, 2016, Executive Committee meeting are available for consideration.**

Action: *Approved Summary Minutes from the December 5, 2016, Executive Committee meeting.*

- B. Finance Department Activities Update**

Action: *Received and filed.*

- C. Financial Report Summary through October 2016**

Action: *Received and filed.*

- D. Community Choice Aggregation Program Activities Update**

Action: *Received and filed.*

- E. Regional Streetlight Program Contract Extension**

Action: *Received and filed.*

- F. Western Riverside Energy Leader Partnership Update**

Action: *Received and filed.*

G. Environmental Department Activities Update

Action: *Received and filed.*

H. Clean Cities Coalition Activities Update

Action: *Received and filed.*

I. Analysis of Fees and Their Potential Impact on Economic Development in Western Riverside County

Action: *Received and filed.*

J. PACE Debt Management Policy

Action: *Approved the Debt Management Policy.*

6. ITEMS PULLED FOR DISCUSSION

There were no items pulled for discussion.

7. REPORTS / DISCUSSION**A. PACE Program Activities Update**

Michael Wasgatt reported that there are currently 361 jurisdictions participating in the California HERO Program; 161,000 applications have been submitted, of which 105,350 have been approved, for over \$6.4 billion in funding. In the WRCOG HERO Program, over 52,000 applications have been submitted, of which 35,000 have been approved, for over \$427 million in funding.

Overall, 39,000 energy and water efficiency measures have been installed in Western Riverside County, which equates to nearly \$740 million in economic impact; 3,622 jobs created, 1.34 billion gallons of water saved, 847,000 tons of greenhouse gas emissions reduced, and 314 gigawatt hours of energy saved.

Chairwoman Franklin opened the public hearing; there were no comments and the public hearing was closed.

RESULT:	APPROVED AS RECOMMENDED [UNANIMOUS]
MOVER:	City of Temecula
SECONDER:	District 5
AYES:	Banning, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, Temecula, District 1, District 3, District 5, EMWD, WMWD
ABSENT:	City of Calimesa, City of Wildomar, District 2, Morongo

Actions:

1. *Received summary of the Revised California HERO Program Report.*
2. *Conducted a Public Hearing Regarding the Inclusion of the Counties of Colusa, Mendocino, and Siskiyou Unincorporated areas, for purposes of considering the modification of the Program Report for the California HERO Program to increase the Program Area to include such additional*

jurisdictions and to hear all interested persons that may appear to support or object to, or inquire about the Program.

3. *Adopted WRCOG Resolution Number 01-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments Confirming Modification of the California HERO Program Report so as to expand the Program Area within which Contractual Assessments may be offered.*

B. Transportation Uniform Mitigation Fee (TUMF) Program Activities Update

Christopher Gray reported that a comprehensive update of the Nexus Study is underway, and staff have been working with member jurisdictions to revisit every project currently within the Nexus Study. Growth projections have changed, and Network costs have been reduced by approximately \$300 million.

The TUMF Nexus Study Ad Hoc Committee is scheduled to meet later this month and it is anticipated that it will make recommendations in moving forward. A draft Nexus Study will be released in February, providing for a public comment period of 30 days.

The WRCOG Committee structure will review the draft Nexus Study twice; Executive Committee action is anticipated for April. Any fee change will go into effect July / August 2017.

Committee member Kevin Jeffries indicated that he was told by a former City Councilmember who sat on this Committee that when the TUMF Program was created that each city / WRCOG gets 15% / can spend 15% of amount collected, and asked Mr. Gray for clarification.

Mr. Gray responded that the TUMF Administration Plan included a cap of spending revenues at no more than 4% of all revenues for Program administration, which includes primarily staff and consultant wages. Another provision exists in which jurisdictions are allowed to spend a certain amount of money in soft costs for a project. Soft costs include planning, engineering, design, contingency, and program management. Every dollar spent, whether hard or soft, has to be substantiated.

Committee member Jeffries asked if there is an admin fee, per say.

Mr. Gray responded that that is specifically discouraged. Jurisdictions which do not have time sheets cannot request reimbursement.

Committee member Jeffries has concerns with the retail fee, and asked how that can be corrected.

Mr. Gray responded that the TUMF Ad Hoc Committee has directed staff to research a phasing, freezing, or tiered approach. Research indicates that the TUMF Retail fee is substantially higher than neighboring jurisdictions. Current discussions revolve around phasing or freezing the fee, or determine a way to mitigate the Retail fee.

Committee member Mike Naggar asked about the potential impact based upon vehicle miles traveled (VMT) and how it might impact the TUMF and the Nexus Study.

Mr. Gray responded that current projections indicate that the requirement will kick-in in approximately two years after the Office of Planning and Research releases its final set of guidelines. There has been a substantial amount of pushback from the development industry, as well as various Metropolitan Planning Organizations. WRCOG has asked SCAG to assist in funding a study on how to ease the burden of that regulation, as staff views this as a fairly

substantial unfunded mandate. Discussions with legal counsel are underway on ways TUMF can be altered to provide mitigation for VMT. Many jurisdictions have level of service requirements; unless that changes, TUMF will continue to provide mitigation for that as well.

Committee member Naggar asked if WRCOG has taken a position that VMT is bad or problematic.

Mr. Gray responded that WRCOG has partnered with RCTC, SCAG, and others. Some aspects of that approach have validity. Retail trips are not as far as house trips. A VMT approach is problematic for some jurisdictions.

Committee member Naggar asked if the Ad Hoc Committee has looked at the difference / dichotomy between the two methods.

Mr. Gray responded that that has not explicitly been discussed with the Ad Hoc Committee; however, it is in the Nexus Study.

Committee member Naggar indicated that he looks forward to future robust conversations on this matter. The old way of doing things is no longer accurate. Adding additional fees to development with properties at zero land base will shut down economic development. We need to start thinking of different ways which promotes economic development.

Committee member Chuck Washington indicated that discussions should include where the bar is set at and what we will get given a certain set of fees. Discussions at SCAG have occurred with regard to state transportation funding, and the belief is that the problem will get worse before it gets better.

Mr. Gray indicated that staff is always available for one-on-one briefings or presentations to City Councils / Boards.

Committee member Naggar asked that the matter of economics in place when TUMF was implemented be discussed. After 2008, equity was wiped off table. At the same time, the cost of infrastructure has not come down.

Mr. Gray responded that fee study includes a series of development and pro formas on what the impact of what fee increases would be on various development types. This information will be packaged and presented as a comprehensive story.

Committee member Naggar would like presented what the situation was in 2003; what progressed; what fell off in 2008; does it still make sense? If not, what changed?

Mr. Gray responded that regardless of the conditions in 2003, we are dealing with today's issues. The critical items are what we are dealing with today and in the foreseeable future.

Action: *Received and filed.*

C. Potential WRCOG Agency Office Relocation

Jennifer Ward reported that this Committee previously directed staff to compare WRCOG's office needs and job functions with that of similar agencies. Since the last presentation to this Committee in August 2016, multiple presentations / discussions have occurred with the Administration & Finance Committee.

The Administration & Finance Committee's preference after several discussions is option 1; the Citrus Towers building. It has been determined that purchasing a building is not the best option at this time due to various liabilities. WRCOG retained broker services of Andy Lustgarten.

With an office move, WRCOG is addressing five major goals: provide sufficient workspace so staff can be productive; the possibility for team collaboration and ample space for meetings; transparency in maintaining the ability to promptly respond to public records act requests and remain compliant with laws in publicizing agendas; to present a professional Agency image; and to provide a regional location for WRCOG's member jurisdictions as well as the many regional partners throughout southern California which WRCOG works with on a regular basis.

The current office provides approximately 5,000 sq. ft. and up to 37 staff can be working in the office at once. WRCOG has only one small conference room which will hold up to six, and does not provide for any teleconference capabilities. All conference room meeting space is dependent upon the availability from other agencies and departments throughout the County Administrative Center (CAC). Staff did a survey of six comparable agencies, and WRCOG falls well below the lowest with regard to square feet per employee.

The Western Municipal Water District (WMWD) has a building for either sale or lease located on Alessandro Boulevard. Supervisor Jeffries also suggested a particular building which is for sale. There are many buildings throughout the subregion; however, from a policy perspective, purchasing a building at this time is not necessarily the best way to go given various potential liabilities.

Ernie Reyna reported that staff examined the amount of time it would take to payback a loan in a purchase situation. Given the Agency's current cash flow, staff felt comfortable with a 10-year loan, but anything greater in length would be a challenge due to uncertainty in revenues collected from current programs. Staff researched interest rates and value of buildings and presented those results. With regard to the WMWD building, if WRCOG did not utilize the entire space, the concern was, does WRCOG become a landlord to utilize the extra space? WRCOG does not have staffing nor expertise in that area, therefore, staff believes leasing is the best option at this time.

Ms. Ward indicated that Option 1, the Citrus Towers, is located approximately one and a half blocks from the current office location. Citrus Towers satisfied the most number of needs with the fewest compromises. Citrus Towers has an entire suite completely vacant with plenty of space for current and future needs. The owner is willing to build to suit and will cover these costs; it is anticipated that the Agency could move in four months. This is a relatively new building so there are little to no concerns with potential construction issues. The owner is requesting a 10-year lease; staff does not see this as a problem as WRCOG has been in the same location for 15 years now. Lease rates are higher compared to other sites as are parking fees for staff. Over 10 years the total lease amount would be approximately \$4.4 million.

Mr. Reyna indicated that staff attempted to negotiate the lease rate. Instead of lowering that rate, the Citrus Towers owner offered to build out the entire suite at their expense (approximately 10,000 square feet, plus an additional approximately 2,000 square feet not immediately being utilized). Additionally, the owner would waive the lease for two years on the extra 2,000 square feet. This totaled nearly \$1 million in savings. The Agency would be able to move in by approximately May 1, 2017. The overall incentives bring the effective lease rate from \$3.10 per sq. ft. to \$2.68 per sq. ft. or \$2.44 per sq. ft., depending on the total number of square feet WRCOG chooses to lease.

Ms. Ward reported that Option 2 is County-owned space in the Pacific Premiere Bank located across the street from WRCOG's current office location. This location does provide sufficient

space for staffing and agency needs; however, the layout of the suite is somewhat awkward and would require more effort in construction customizing. The lease rate would be the same as what WRCOG is currently paying in the CAC. Given that there would be a significant amount of Tenant Improvements (TIs), and potential issues discovered during construction since it is an older building, the move-in timeframe would be significantly longer than four months. The County would not cover the costs of any TI and/or renovations.

Mr. Reyna indicated that there is just over 10k square feet available at the Pacific Premier Bank building, and at the same lease rate as WRCOG's current office location. There are 3 contiguous offices, one of which is off to the side, which makes the build out a little difficult. Staff estimated TIs at approximately \$603,000, and would be approximately 12 months before staff could move in. Total costs equate to \$2.76 (net effective lease rate) per sq. ft. when TIs (to be paid for by WRCOG) are added back in. Over 10 years the total lease amount would be approximately \$3.8 million.

Ms. Ward indicated that Option 3 is the WMWD building of approximately 16,000 sq. ft. and an associated water efficient garden. Staff was interested in the creative options to redesign space for WRCOG's needs. However, the location is far from the current location and staff and the Agency would no longer be able to take advantages the current location provides. The building requires many improvements, such as a new roof, and redesign to make the building compliant with the Americans with Disabilities Act. This would add to TI costs and the timeframe in which the Agency could move.

Option 4 is the purchase of a commercial building in the River Crest location. Again, due to various insurance liabilities, as well as maintenance that would have to be handled in-house, and an uncertain revenue stream, staff does not believe that purchasing a building at this time is in the best interest of the Agency.

Committee member Eugene Montanez asked about the additional cost for parking at the Citrus Towers.

Mr. Reyna responded that WRCOG would absorb the cost difference, and that amount was included in the overall costs presented today.

Committee member Laura Roughton asked if the extra square footage in Option 1 was part of the initial lease, would the Agency be locked in to that space for the remainder of the lease should it desire not to utilize it.

Mr. Reyna responded that if that extra space was not built out, it would most likely be able to be returned to the owner.

Andy Lustgarten added that with that additional space, the landlord would build it upfront and provide 26 months of no rent for that space. After which time, WRCOG would then be obligated through the remaining years through the end of the lease agreement. The benefit in having it built out upfront is that the landlord is paying for it. If it is later determined that WRCOG can utilize that space, WRCOG would be responsible for those costs.

Committee member Kevin Bash asked what current lease rate for the next 10 years is at WRCOG's current location.

Mr. Reyna responded that the current lease rate is \$2.02 per sq. ft. plus a 3% annual escalator. Over the next 10 years the total lease amount would be approximately \$3.8 million (this amount would include maintaining current office space plus an additional 5,000 square feet elsewhere, plus the cost of tenant improvements and furniture).

Committee member Kevin Jeffries indicated that his difficulty is getting over the fact that WRCOG does not want to own a building because of the liabilities associated with owning a building. Committee member Jeffries assumed the Agency had the funding and would not have to assume a mortgage. Committee member Jeffries is disappointed that the second most expensive location is the preferred option. This is unacceptable to most taxpayers and wished that something could have been found which was more affordable or respectable to the taxpayers, who will pay for this one way or another. Committee member Jeffries indicated that he is not happy that WRCOG wants to rent versus own but can respect it, but not at the most expensive location.

Committee member Rita Rogers asked, with regard to the Citrus Towers, if the Administration & Finance Committee approved the option with more or less sq. ft.

Mr. Reyna responded that that option was not available during discussions with the Administration & Finance Committee; however, the lease rate of \$3.00 per sq. ft. was. The owner later indicated that the lease rate would remain as is even with the additional incentives.

Committee member Rogers asked if the Agency needs the extra sq. ft.

Ms. Ward responded that staff's believe is because WRCOG has the option to reserve that space rent free for just over two years, and if this Committee feels that the activities and potential agency growth can utilize that space, then staff wanted to provide that information.

Committee member Rogers asked if the Administration & Finance Committee approved the option with less sq. ft.

Ms. Ward responded that yes, it did.

Ward indicated that staff have taken Committee member comments to heart over the past year. WRCOG has outgrown its space over last five years. Staff and the broker completed a broad search to capture the synergies and efficiencies of being close to the CAC and affordable rate.

Committee member Jeffries indicated that staff still has not justified why the most expensive location was picked.

Ms. Ward responded that staff researched five or six options, to include staying at current location. That range of options was presented to Administration & Finance Committee several times. This choice is the result of a years' worth of discussion.

Rick Bishop added that staff put a lot of thought into a purchase option. WRCOG is different than the County and/or a city; the revenue sources are not as consistent or the same. The decision to purchase and not have the ability to make payments is onerous not only to WRCOG but to its member jurisdictions as well. A lease option and the ability to renegotiate / get out of a lease seem more prudent than a purchase. If more programs are created that come with more consistent revenue streams, an option for purchase can be revisited.

Committee member Crystal Ruiz indicated that WRCOG has been very prudent with its money and spending thereof. WRCOG thinks things through very thoroughly and has taken actions which have benefited this Committee. Committee member Ruiz indicated that she understands why WRCOG wants to remain in this area even though it may be the second highest cost. However, staff and the broker negotiated a good deal and the Agency is not spending money frivolously.

Committee member Brenda Dennstedt does not like idea of spending money that does not have to be spent. Committee member Dennstedt would be more than happy to go back to WMWD to discuss lease options. WRCOG initially discussed the option of purchasing; however, WMWD can also consider leasing options.

Mr. Lustgarten responded that 17 various options were evaluated, and more than half were toured. The challenge with older buildings is that, while lease rates may be lower, TIs allowances are significantly less expensive. The options are to same money upfront on capital costs, which would include TIs, and pay a slightly higher lease rate, or receive a lease discount upfront with higher capital costs to construct new space. There is a very limited inventory of 10k + sq. ft. space in downtown Riverside.

Committee member Washington indicated that he recalls when revenue was less predictable. A public agency does not know if the revenue stream will always be there. Many appreciate the convenience of having multiple meetings close to one another.

Committee member Roughton indicated that if the perception in the community is that this is the second most expensive building to rent, perception is important and should be considered. In negotiations, would WRCOG be paying a lower than market rate in the Citrus Towers? Committee member Roughton indicated that she likes the idea of reconsidering the WMWD building. Having a garden and far off vision regarding a sustainability / demonstration center is intriguing. That property would be conducive to that. Committee member Roughton indicated that she is not 100% comfortable supporting today's requested action.

Mr. Lustgarten responded that no other tenant in the Citrus Towers building has received more than \$50 in TI, nor have they been offered a build to suit. A \$70 construction cost per sq. ft. far exceeds any allowances offered; the rent rate is competitive. No lease agreements at less than \$3.10 in have occurred within at least the last 2 years.

Committee member John Denver asked if there just are not many properties for sale in Riverside. If someone owned a building for 10 years, and then had a change in income, the building could then be sold for a profit.

Mr. Lustgarten responded that there are buildings for sale. Mentioned earlier was available space for lease at approximately 10,000 sq. ft. If one owned a building, and in the future needed to sell it, there is no current indication on whether or not a profit would be made.

Ms. Ward indicated that some of the other concerns were not just unforeseen revenue constraints or growth, but additional liabilities with insurance such as someone breaking into the building, etc.

Committee member Bonnie Wright asked how many other tenants in the Citrus Towers rent that large of a space? Generally, the larger the area, the more compensation by a lesser square foot rate.

Mr. Lustgarten responded that that was taken into consideration. Most tenants currently rent a larger amount of square feet. The owner is sensitive to rental rates; the flexibility is in TI and free rent concessions.

Committee member Bash indicated that sometimes a business has to be convenient for employees. A central location taken and access to other buildings should be taken into consideration.

Committee member Brian Tisdale indicated that the Administration & Finance Committee has been discussing this for over one year. Staff are currently in tight quarters.

Committee member Kelly Seyarto indicated that he was on this Committee when this conversation occurred about WRCOG moving into its current location. The move worked out better for the Agency in providing room to grow, and it worked out for the elected officials. The options presented being called the most expensive option is not necessarily the case. Staff has to have a place in order to be effective. Sometimes the cost of trying to make it look like you are saving money costs more. There is also a cost to continue exploring options over and over. We should trust that staff is presenting the best options.

RESULT:	APPROVED AS RECOMMENDED [16 TO 2] [UNANIMOUS]
MOVER:	City of San Jacinto
SECONDER:	City of Corona
AYES:	Banning, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, District 3, EMWD
NAYS:	District 1, WMWD
ABSTAIN:	City of Temecula
ABSENT:	City of Calimesa, City of Wildomar, District 2, District 5, Morongo

Action: *Authorized WRCOG to relocate the WRCOG offices to the Citrus Towers, utilizing 10,597 square feet, with a 10-year lease.*

D. Distribution of Round II BEYOND Allocations to Member Jurisdictions

Andrea Howard reported that last year's pilot program provided \$1.8 million to member jurisdictions to make progress towards the six goals outlined in WRCOG's Sustainability Framework. More than 30 projects are being funded.

Staff is looking to distribute \$4.3 million to its member jurisdictions this year; \$1.05 to agency reserves; \$700,000 to Agency activities (the Fellowship Program, the Community Choice Aggregation Program, and the Regional Streetlight Program), and \$250,000 for a regional economic development initiative. A remaining \$2.05 million is for BEYOND allocations. \$2 million will go to a central pot of funding for fixed allocations to each member jurisdiction.

The allocations being presented for the central pot of funding cover two primary goals – to avoid the pitfalls of a strictly population-based formula, and to ensure an equitable distribution.

Last year's formula had three population formulas, in which members received a flat allocation plus a small, additional, per-capita allocation. It was later determined that this method created significant inequities in how the funding was distributed across member jurisdictions.

The proposed formula distributes funding through a series of per-capita allocations that incrementally decrease as population increases across five population tiers. A one-time increase to the total allocation of \$250,000 is being proposed given that many jurisdictions will be receiving a decrease in funding than last year. Staff is also proposing a minimum for all jurisdictions to receive is \$35,000.

Committee member Kevin Jeffries asked if this Committee has already taken action on other funding mentioned in the staff report (Agency reserves, Agency activities, and a regional economic development initiative, Healthy Communities set aside), listed as being prosed today?

When did this Committee vote on an increase in reserves and the regional economic development initiative?

Jennifer Ward responded that the remainder categories were approved on June 24, 2016, except \$250,000 for regional economic development, which was the result of an Ad Hoc Committee and Administration & Finance Committee recommendation in August 2016. The only proposal being presented for consideration today is for the BEYOND funding

Committee member Laura Roughton clarified that today's action is for a one-year adjustment in the original formula. Moving forward, the formula being presented today should be okay from year to year, barring any increase and/or decrease in revenues.

Ms. Howard responded that this Committee would still have the option to revisit yearly how those allocations are distributed.

Committee member Roughton indicated to make clear that the \$35,000 minimum is subject to any increase and/or decrease in funding / revenue.

Ms. Howard responded that funding could be set in that the minimum allocation is not fixed, but the rest of the formula would be.

Committee member Roughton indicated that that would be fine.

Committee member Brian Tisdale indicated that when this Program started last year, the Committee decided to revisit yearly. The funding allocation is not set in stone; allocations can change. The Program should keep that flexibility and not place any restrictions on it.

RESULT:	APPROVED AS RECOMMENDED [UNANIMOUS]
MOVER:	City of Lake Elsinore
SECONDER:	City of Temecula
AYES:	Banning, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, Temecula, District 1, District 3, EMWD, WMWD
ABSENT:	Calimesa, Wildomar, District 2, District 5, Morongo

- Actions:**
1. *Approved the tiered allocation formula to allocate BEYOND funding for Round II.*
 2. *Increased the BEYOND Round II allocation by \$252,917.00 from \$1.8 million to \$2.05 million.*

E. Report from the League of California Cities

Erin Sasse reported that the League has hired a new Executive Director, who will be at the League's upcoming conference later this month.

The Governor is scheduled to release the budget tomorrow at 11 a.m. Revenues are down from projections and this will most likely be a factor in the budget. Anticipated funding includes transportation. SB 1 and AB 1 are packaged very similar to last year at \$6 billion – a 12 cent increase to the gas tax; it would end the Board of Equalization's true-up process on the unreliable price based upon the excise tax; an increase of \$38 to vehicle registration fees; a \$100 increase to registration fees for zero-emission vehicles; a 20 cent increase on the diesel excise tax; \$300 million from existing cap-and-trade funds, and \$500 million in vehicle weight fees – phased-in over five years.

Affordable housing is a big priority for the State this year. The League does not expect any funding in the Governor's proposal. The Housing & Community Development Department (HCD) released a housing report with an attached graph which shows the costs of housing when combined with transportation. When transportation was factored in, affordable housing in this subregion was not so affordable. HCD is requesting comments on that report.

This evening's Division has been rescheduled to November 13, 2017.

The Institute for Local Government (ILG) is providing free public engagement training January 31 – February 1, 2017. Attendance is limited. ILG is also hosting a hunger leadership breakfast event on February 25, 2017.

On February 3, 2017, a Division Local Elected Officials training is being held.

The New Mayors and Councilmembers training will be held in 2 weeks.

Chairman Franklin asked for an email of all the dates mentioned.

Ms. Sasse responded that she would.

The League's Public Safety Lobbyist met with the California Department of Corrections and Rehabilitation Secretary Scott Kernan regarding the implementation of Prop 57.

Committee member Mike Naggar indicated that as the focus on the State budget for affordable housing will be driven by the legislature, perhaps that information can be plugged into TUMF discussions.

Rick Bishop responded that there is an existing exclusion for affordable housing to pay TUMF.

Action: *Received and filed.*

8. REPORT FROM THE TECHNICAL ADVISORY COMMITTEE CHAIR

Gary Nordquist indicated that the Technical Advisory Committee was dark in December; the next meeting is scheduled for January 19, 2017.

9. REPORT FROM COMMITTEE REPRESENTATIVES

Debbie Franklin, SCAG Community, Economic, and Human Development (CEHD) representative, reported that the CEHD recently received a presentation on recreation marijuana. The presentation can be found on SCAG's website, and shows the breakdown on revenue and distribution for the cities. The California Air Resources Board presented on implementing different Assembly and Senate Bills regarding continuing and increasing the amount of energy conservation.

10. REPORT FROM THE EXECUTIVE DIRECTOR

Rick Bishop reported that the City of Hemet Regional Streetlight Demonstration tours have been very successful - 4 tours and approximately 100 people in all. One more tour is scheduled for January 19, 2017. Staff is working with eight or nine jurisdictions which are considering actions and participation in the Program during the months of January and February.

11. ITEMS FOR FUTURE AGENDAS

Chairman Franklin would like a status update on vehicle miles traveled.

12. GENERAL ANNOUNCEMENTS

There were no general announcements.

13. NEXT MEETING: The next WRCOG Executive Committee meeting is scheduled for Monday, February 6, 2017, at 2:00 p.m., at the County of Riverside Administrative Center, 1st Floor Board Chambers.**14. ADJOURNMENT**

The meeting adjourned in memory of Supervisor John J. Benoit at 3:55 p.m.

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Western Riverside Council of Governments

4.B

Regular Meeting

~ Minutes ~

Monday, May 1, 2017

2:00 PM

County Administrative Center

1. CALL TO ORDER

The meeting was called to order at 2:23 p.m. on April 3, 2017, at the County Administrative Center, 4080 Lemon Street, Riverside, CA.

Jurisdiction	Attendee	Status	Arrived / Departed
City of Banning	Debbie Franklin	Present	2:13 PM
City of Calimesa	Jeff Hewitt	Present	2:14 PM
City of Canyon Lake		Absent	
City of Corona	Eugene Montanez	Present	2:13 PM / 3:30 PM
City of Eastvale	Adam Rush	Present	2:11 PM
City of Hemet	Bonnie Wright	Present	2:12 PM / 2:36 PM
City of Jurupa Valley	Laura Roughton	Present	2:14 PM
City of Lake Elsinore	Brian Tisdale	Present	2:22 PM
City of Menifee	John Denver	Present	2:12 PM
City of Moreno Valley	Yxstian Gutierrez	Present	2:14 PM
City of Murrieta	Kelly Seyarto	Present	2:21 PM
City of Norco	Kevin Bash	Present	2:23 PM / 3:59 PM
City of Perris	Rita Rogers	Present	2:11 PM
City of Riverside	Rusty Bailey	Present	2:20 PM
City of San Jacinto	Crystal Ruiz	Present	2:13 PM
City of Temecula	Mike Naggar	Present	2:17 PM
City of Wildomar	Ben Benoit	Present	2:13 PM
District 1	Kevin Jeffries	Present	2:19 PM / 3:30 PM
District 2		Absent	
District 3	Chuck Washington	Present	2:15 PM
District 5	Marion Ashley	Present	2:20 PM / 3:30 PM
EMWD	David Slawson	Present	2:24 PM
WMWD	Brenda Dennstedt	Present	2:15 PM
Morongo		Absent	
Office of Education		Absent	
TAC Chair	Gary Nordquist	Present	2:14 PM
Executive Director	Rick Bishop	Present	2:15 PM

Note: Times above reflect when the member logged in; they may have arrived at the meeting earlier.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENTS

Raul Rodriguez spoke in opposition of Agenda 21, SANBAG, SCAG, and WRCOG, indicating that these are all shadow governments, and are not elected.

Robert Lauten spoke regarding annual equivalent energy usage utilizing water dams, cold power plants, nuclear power plants, wind turbines or solar panels.

Stella Stephens spoke regarding solar panels she purchased for her home.

Arthur Schaper spoke regarding the 10-year anniversary of May Day and shadow governments.

Tressy Capps spoke in opposition of the 91 Toll Lanes in the City of Corona.

4. CONSENT CALENDAR

RESULT:	APPROVED AS RECOMMENDED [UNANIMOUS]
MOVER:	City of Lake Elsinore
SECONDER:	City of Perris
AYES:	Banning, Calimesa, Corona, Eastvale, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, Temecula, Wildomar, District 1, District 3, District 5, EMWD, WMWD
ABSENT:	City of Canyon Lake, City of Hemet, District 2, Morongo

A. Summary Minutes from the April 3, 2017, Executive Committee meeting are available for consideration.

Action: 1. *Approved the Summary Minutes from the April 3, 2017, Executive Committee meeting.*

B. 3rd Quarter draft Budget amendment for Fiscal Year 2016/2017

Action: 1. *Approved the 3rd Quarter draft Budget amendment for Fiscal Year 2016/2017.*

C. Consideration of revised Agency Investment Policy

Action: 1. *Adopted WRCOG Resolution Number 06-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments adopting a revised Investment Policy.*

D. Continued membership in the Inland Empire Economic Partnership

Action: 1. *Authorized WRCOG to renew membership in the Inland Empire Economic Partnership for 2017.*

E. 26th Annual General Assembly & Leadership Address Update and approval of Community Service Awards

Action: 1. *Approved the nominees for the 2017 WRCOG Outstanding community Service Award to be recognized at the 26th Annual General Assembly & Leadership Address.*

F. Environmental Department Activities Update

Action: 1. *Adopted WRCOG Resolution Number 12-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments to support Regional Application – Used Oil Payment Program - 8.*

G. Finance Department Activities Update

Action: 1. *Received and filed.*

H. Financial Report Summary through February 2017

Action: 1. *Received and filed.*

I. Regional Streetlight Program Activities Update

Action: 1. *Received and filed.*

J. Western Riverside Energy Partnership Update

Action: 1. *Received and filed.*

K. Clean Cities Coalition Activities Update

Action: 1. *Received and filed.*

L. CALCOG Activities Update

Action: 1. *Received and filed.*

M. Santa Ana Watershed Project Authority One Water One Watershed Activities Update

Action: 1. *Received and filed.*

N. Single Signature Authority Report

Action: 1. *Received and filed.*

O. Fiscal Year 2015/2016 Financial Audit

Action: 1. *Received and filed.*

P. Selection of Financial Auditors

Action: 1. *Received and filed.*

5. REPORTS / DISCUSSION (Note: due to time constraints, items were taken out of order)**A. PACE Programs Activities Update**

Due to time constraints, the Committee acted on Requested Action number 2 only; the remaining items were moved to the next meeting.

- Action:** 1. *Continued the Public Hearing regarding the inclusion of the Cities of Marysville and Shasta Lake until June 5, 2017, and moved the remaining items to the next meeting.*

RESULT:	APPROVED AS RECOMMENDED [UNANIMOUS]
MOVER:	City of Jurupa Valley
SECONDER:	City of Banning
AYES:	Calimesa, Eastvale, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, Temecula, Wildomar, EMWD, WMWD
ABSENT:	Canyon Lake, Corona, Hemet, Districts 1, 2, 3, and 5, Morongo

B. Community Choice Aggregation Program Activities Update

Barbara Spoonhour, WRCOG Director of Energy and Environmental Programs, reported that a Community Choice Aggregation (CCA) purchases power, while the Investor-Owned Utility (IOU) still delivers and maintains lines, as well as provides billing services to the customer. A CCA provides local control in program design on how energy efficiency programs are run.

A CCA provides consumers with choice, is an opt-out program for residents and businesses, and allows for provisions to purchase electricity often at a cheaper rate than the IOU. There are currently five operational CCAs, five more expected to launch in 2017, five more within 2018, and 16 exploring a CCA.

WRCOG, the San Bernardino Council of Governments (SBCOG), and the Coachella Valley Association of Governments (CVAG) recently completed a joint feasibility study to determine if moving forward with a two or three county CCA is viable. The study determined that a CCA is feasible. Savings in WRCOG's region using the assumptions in the study would be approximately 4.4%.

Participating jurisdictions must take action to allow a CCA to operate within that local jurisdiction.

A number of geographical and governance structures were presented to the CCA AD Hoc Committee for review. Based on recommendations from the Ad Hoc Committee, the Administration & Finance Committee has recommended a new JPA be developed, separate from WRCOG, and will allow for an agreement with WRCOG to provide staffing and management oversight for the new entity.

A Request for Proposals has been released and staff have received a number of responses, ranging from third party proposals to individual proposals. SBCOG is no longer involved in a joint CCA, and CVAG is likely to pursue a separate CCA. The County of Riverside is pursuing a stand-alone CCA for the unincorporated area.

Chairman Benoit opened the floor for public comments.

Tressy Capps spoke regarding WRCOG involvement in a CCA.

Robert Lauten spoke regarding layers of bureaucracy and renewable energy producers.

Linnre Drolet spoke regarding renewable energy in Australia.

Jonathan Hussey spoke regarding providing power to local utilities based on ideology versus cost savings.

Stella Stevens spoke regarding renewable energy certificates subsidized by government taxes.

Mike McGetrick spoke regarding the costs of renewable green energy.

Gary Gileno spoke regarding opposition of a CCA, Southern California Edison, and public utilities.

Patrice Lynes spoke regarding the business plan document.

Arthur Schaper spoke regarding his opposition to a CCA.

Don Dix spoke regarding the overreach of government.

DeAnn DeLean spoke regarding the business plan.

Raul Rodriguez spoke regarding appointments of elected officials.

Chairman Benoit closed the public comments session.

Various Committee members addressed public comments.

Brenda Dennstedt asked if there are any risks in creating a CCA.

Ms. Spoonhour responded that the biggest risk is if utility rates suddenly drop, and SCE were to reduce its rates significantly lower than the CCA rates. The CCA has the ability to have a reserve to serve as rate stabilization.

Committee member Brenda Dennstedt asked if there are any costs or restrictions for a customer to opt out of the CCA.

Ms. Spoonhour responded that there are no restrictions or costs if a consumer can opt out, although it is better to opt out prior to launch or right after. If a customer does opt out, SCE may want to keep that customer for one year before it can come back to CCA.

Committee member Dennstedt asked who does repairs.

Ms. Spoonhour responded that repairs will be completed by SCE; the CCA is generation only.

Committee member Dennstedt asked how the program funds itself.

Ms. Spoonhour responded that the CCA would initially secure capital through a loan, and then create a reserve. A CCA can develop programs and incentives to cover any excess revenue, or rates can be reduced even further.

Action: 1. *Directed the Executive Director to move forward with the development of a Community Choice Aggregation Program focused on the Western Riverside subregion.*

RESULT:	APPROVED AS RECOMMENDED [11 TO 2]
MOVER:	City of Temecula
SECONDER:	City of Murrieta
AYES:	Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Temecula, Wildomar, EMWD, WMWD
NAYS:	Calimesa, Eastvale
ABSTAIN:	Banning, Riverside, San Jacinto
ABSENT:	Canyon Lake, Corona, Hemet, Districts 1, 2, 3, and 5, Morongo

C. Transportation Uniform Mitigation Fee (TUMF) Nexus Study Update

Actions 1. *Due to time constraints, this item was moved to the next meeting.*

D. Draft Fiscal Year 2017/2018 Agency Budget

Ernie Reyna, WRCOG Chief Financial Officer, reported that the General Fund Department has a balanced budget with anticipated revenues of approximately \$6.3 million and expenditures of approximately \$5.6 million.

The Energy Department has a balanced budget with anticipated revenues of approximately \$16.3 million and expenditures of approximately \$16.2 million.

The Environment Department has a balanced budget with anticipated revenues of approximately \$372,000 and expenditures of approximately \$ 372,000.

The Transportation Department has a balanced budget with anticipated revenues of approximately \$42.6 million and expenditures of approximately \$42.2 million.

The overall Agency budget is balanced with anticipated revenues of \$64.9 million and expenditure of \$64.4 million.

The final budget will be presented to the General Assembly on June 22, 2017.

Action: 1. *Received and filed.*

E. Nominations for Chair, Vice-Chair, and 2nd Vice-Chair positions for Fiscal Year 2017/2018

Action: 1. *Due to time constraints, this item was moved to the next meeting.*

F. Report from the League of California Cities

Action: 1. *Due to time constraints, this item was moved to the next meeting.*

6. REPORT FROM THE TECHNICAL ADVISORY COMMITTEE CHAIR

Due to time constraints, there was no report provided.

7. REPORT FROM COMMITTEE REPRESENTATIVES

Due to time constraints, there were no reports provided.

8. REPORT FROM THE EXECUTIVE DIRECTOR

Due to time constraints, there was no report provided.

9. ITEMS FOR FUTURE AGENDAS**10. GENERAL ANNOUNCEMENTS****11. CLOSED SESSION**

The Committee authorized litigation.

12. NEXT MEETING: The next WRCOG Executive Committee meeting is scheduled for Monday, June 5, 2017, at 2:00 p.m., at the County of Riverside Administrative Center, 1st Floor Board Chambers.**13. ADJOURNMENT**

The meeting adjourned at 4:10 p.m.

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Western Riverside Council of Governments Executive Committee

Staff Report

Subject: County Treasurer Fund closures

Contact: Ernie Reyna, Chief Financial Officer, reyna@wrcog.coq.ca.us, (951) 955-8432

Date: June 5, 2017

The purpose of this item is to request that the four funding accounts held with the County Treasurer be closed. WRCOG is in the process of moving its financial banking to Citizen's Business Bank and Citizens Trust and will be closing out the accounts held with the County Treasurer.

Requested Action:

1. Adopt WRCOG Resolution Number 13-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments approving the closure of the four funds held by WRCOG with the Riverside County Treasurer.

Account Closure

WRCOG currently has four accounts, or Funds, held with the Riverside County Treasurer containing very little in balances. These Funds act as bank accounts, that in the past were used to write checks for the General Fund and TUMF. The accounts are no longer needed as WRCOG is in the process of moving its banking needs to Citizen's Business Bank and Citizens Trust. An executed action is required for these funds to be closed, per the Riverside County Treasurer.

Prior Action:

None.

Fiscal Impact:

The process of closing funds within the County and re-opening at Citizens involves little to no fee increases. All financial institutions charge a fee to maintain balances, but the transfer of funds will have offsetting fees which are budgeted in the General Fund as bank fees.

Attachment:

1. WRCOG Resolution Number 13-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments approving the closure of the four funds held by WRCOG with the Riverside County Treasurer.

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Item 4.C

County Treasurer Fund closures

Attachment 1

WRCOG Resolution Number 13-17;
A Resolution of the Executive
Committee of the Western Riverside
Council of Governments approving
the closure of the four funds held by
WRCOG with the Riverside County
Treasurer

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Western Riverside Council of Governments

County of Riverside • City of Banning • City of Calimesa • City of Canyon Lake • City of Corona • City of Eastvale • City of Hemet • City of Jurupa Valley
City of Lake Elsinore • City of Menifee • City of Moreno Valley • City of Murrieta • City of Norco • City of Perris • City of Riverside • City of San Jacinto
City of Temecula • City of Wildomar • Eastern Municipal Water District • Western Municipal Water District • Morongo Band of Mission Indians
Riverside County Superintendent of Schools

RESOLUTION NUMBER 13-17

**A RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE
WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS
AUTHORIZING THE INACTIVATION OF A BANK ACCOUNT MAINTAINED BY THE
COUNTY OF RIVERSIDE OFFICE OF THE TREASURER-TAX COLLECTOR AND THE
TRANSFER OF ITS FUNDS TO TWO EXISTING CITIZENS BUSINESS BANK ACCOUNTS
CURRENTLY HELD BY THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS**

WHEREAS, the Western Riverside Council of Governments ("WRCOG") maintains a bank account with the County of Riverside Office of the Treasurer-Tax Collector ("County Treasurer") that includes four Sub-Funds. One general fund, entitled "Western Riverside Council of Governments" (Sub-Fund # 51480), and three funds related to the Transportation Uniform Mitigation Fee program ("TUMF"), entitled "WRCOG Caltrans" (Sub-Fund # 51500), "WRCOG Local Transportation Fund" (Sub-Fund # 51505), and "TUMF" (Sub-Fund # 51570); and

WHEREAS, by inactivating the bank account maintained by the County Treasurer and transferring the balance of its four Sub-Funds into two existing Citizens Business Bank accounts held by the WRCOG, the Finance Department will be able to effectuate a more efficient posting and accounting procedure regarding those funds; and

WHEREAS, the Riverside County Auditor-Controller's Office requires that to inactivate any Sub-Funds held in a bank account by the County Treasurer, an executed Resolution by the WRCOG must be submitted to the Riverside County Auditor-Controller's Office along with a "GL-1 Fund Request" form for each Sub-Fund; and

WHEREAS, the WRCOG Finance Department will be responsible for completing each required "GL-1 Fund Request" form, a sample of which is included as Exhibit "A" of this Resolution; and

WHEREAS, the submittal of this executed Resolution in conjunction with the four "GL-1 Fund Request" forms to the Riverside County Auditor-Controller's Office will result in expedited warrants for the remaining Sub-Fund balances, in checks payable to the WRCOG; and

WHEREAS, the WRCOG Finance Department will seek, upon inactivation, to transfer the balance from the three TUMF-related Sub-Funds into an existing Citizens Business Bank account entitled "TUMF Operating," and transfer the remaining, general Sub-Fund balance ("Western Riverside Council of Governments") into a separate Citizens Business Bank account entitled "WRCOG Operating."

NOW, THEREFORE, BE IT RESOLVED, by the Executive Committee of the Western Riverside Council of Governments as follows:

Section 1. The above recitals are true and correct.

Section 2. The Executive Committee instructs the WRCOG Finance Department to submit four "GL-1 Fund Request" forms, each with a copy of this executed Resolution, to the Riverside County Auditor-Controller's Office to inactivate the WRCOG's existing bank account as maintained by the

County Treasurer, and to transfer the balance of each Sub-Fund into two existing Citizens Business Bank accounts as described in the above recitals.

Section 3. The Executive Committee authorizes the WRCOG Executive Director to take any and all actions necessary to assist the Finance Department in effectuating Section 2 above.

Section 4. This Resolution shall take place immediately upon its adoption.

PASSED AND ADOPTED at a Meeting of the Executive Committee of the Western Riverside Council of Governments held this 5th day of June, 2017.

Ben Benoit, Chair
WRCOG Executive Committee

Rick Bishop, Secretary
WRCOG Executive Committee

Approved as to form:

Steven DeBaun
WRCOG Legal Counsel

AYES: _____ NOES: _____ ABSENT: _____ ABSTAIN: _____

EXHIBIT “A”

SPM Form GL – 1



ESTABLISH/UPDATE/INACTIVATE
FUND REQUEST
OFFICE OF THE AUDITOR-CONTROLLER

SPM FORM
GL - 1
(POLICY #502)
Page 1 of 5
(Submit all pages)

☐ Establish ☐ Update ☐ Inactivate

Effective Date: _____

Fund No.	Fund Name (30 character max)	Appropriation Level Dept ID No.

Fund Type: Per the questionnaire beginning on page 3, please check the box to the left of indicated Fund Type

☐	General Fund (subfund) GF	☐	Enterprise Fund EF	☐	Permanent Fund
☐	Special Revenue Fund SRF	☐	Investment Trust Fund ITF	☐	Pension/Employee Fund
☐	Capital Projects Fund CPF	☐	Agency Trust Fund ATF	☐	Internal Service Fund ISF
☐	Debt Service Fund DSF	☐	Private Purpose Trust Fund	☐	

If this is a subfund of a fund other than the General Fund, enter parent fund number here: _____

Year-end Closing Rules:
(see page 5)

Equity Account	Description

Requested Dept. ID

Agency/Department/Special District Name

☐ Special District

Chartfield Requestor Print Name

Phone/Mail Stop #

Date

To Establish a Fund

(1) INTEREST

County departments: If interest earnings are not to go to the General Fund, attach justification (e.g., Govt. Code, county policy, Form 11 stating the interest direction) per Government Code #53647.

Indicate what fund should get the interest:

Special Districts: Indicate what fund should get the interest:

(2) PURPOSE

Explain the purpose for the request including legal basis for establishing the fund. (Attach documentation with applicable section(s) highlighted).

(3) SOURCE OF DEPOSITS

%	Property Taxes	%	State
%	Other Taxes	%	Federal
%	Licenses & Permits	%	Charges for current services
%	Fines, Forfeitures & Penalties	%	Other (Explain)
%	Revenue From Use of Assets		

(4) DISBURSEMENT TARGET

%	Accounts Payable (cash payable to 3 rd party)	%	Due to other governments (DTOG)
%	Due to other funds (DTOF)		
%	Other (Explain)		

(5) Will payment vouchers (other than refunds or deposits) be processed through this fund?

☐ Yes (attach justification) ☐ No

(6) Will payroll be paid, via the County payroll system, through this fund?

☐ Yes ☐ No

If yes, submit a Form 11 to the Board of Supervisors to amend Salary Ordinance 440. and submit Form GL-11 to establish payroll Account Codes.

**SPM FORM
GL - 1**

Page 2 of 5
ESTABLISH/UPDATE/INACTIVATE **FUND REQUEST**
OFFICE OF THE AUDITOR-CONTROLLER

(7) Will this fund receive property tax apportionments? ☐ Yes ☐ No

(8) Department responsible for accounting, fund reconciliation and control over fund assets:

Appropriation Dept ID

Department/Agency/Special District Name

(9) Will there be a need for a cash advance, temporary loan or any other borrowing?

☐ Yes ☐ No If yes, how much? _____

It is understood by the responsible organization listed above that deficits in cash are to be avoided, and that the organization will resolve any deficits through borrowing or other means and will communicate any potential cash deficit information to the Auditor-Controller and the Treasure-Tax Collector.

(10) Estimated closure date of the fund: _____

Inactivating a Fund

(1) Have all balance sheet balances been cleared to zero? ☐ Yes ☐ No (If no, contact the agency to clear all balances).

Journal ID# recorded to clear balances:

(2) Reason for fund closure (Indicate authorization (e.g., Code, Form 11): _____

(3) Are property tax distributions posted to this fund? ☐ Yes ☐ No

If yes, will the organization continue to earn property tax revenue? ☐ Yes ☐ No

If yes, where should the property tax distribution be sent? _____

(4) Indicate the fund to which the final interest should be posted: _____

OR, indicate the address to which the final interest should be mailed:

Name

Phone #

Address

Approvals

Department Head/Special District Director Signature / Printed Name

Date

☐ Approved

☐ Denied

Chief Accountant, General Accounting Division, Office of the Auditor-Controller

Date

Distribution - By Accounting Records in the Auditor-Controller's Office

Date Distributed: _____

Establish

A/C - GAD (Original)
A/C - Budget Trees

Update

A/C - GAD (Original)

Inactivate

Treasurer - Tax Collector
(For Interest Apportionment)

To establish a new fund, please answer the following:

(1)	☐ Yes ☐ No	Is the fund used to account for governmental (tax supported) activities? If yes, go to question #2. If no, go to questions # 12.
(2)	☐ Yes ☐ No	Is the fund used to account for the acquisition or construction of major capital facilities? If yes, go to question #3. If no, go to question #5.
(3)	☐ Yes ☐ No	Is there a legal requirement to use a capital project fund? If yes, this fund should be classified as a Capital Project Fund . Stop here and submit the request. If no, go to question #4.
(4)	☐ Yes ☐ No	Does County management prefer using a capital project fund? If yes, this fund should be classified as a Capital Project Fund . Stop here and submit the request. If no, go to question #5.
(5)	☐ Yes ☐ No	Is the fund used for the payment of general long-term debt (principal & interest accumulation)? If yes, to question #6. If no, go to question #9.
(6)	☐ Yes ☐ No	Is there a legal mandate to use a debt service fund? If yes, this fund should be classified as a Debt Service Fund (DSF) . Stop here and submit the request. If no, go to question #7.
(7)	☐ Yes ☐ No	Does the debt require accumulation of principal and interest? If yes, go to question # 8. If no, go to question #12.
(8)	☐ Yes ☐ No	Is the accumulation of resources in excess of a full year's principal & interest payments? If yes, this fund should be classified as a Debt Service Fund (DSF) . Stop here and submit the request. If no, go to question #9.
(9)	☐ Yes ☐ No	Is the fund used for the proceeds of specific revenue sources that are legally (outside government or imposed by governing body) restricted to expenditures for specified purposes? If yes, go to question #10. If no, this fund should be classified as a General Fund Type (GF) . Stop here and submit the request.
(10)	☐ Yes ☐ No	Are both principal & interest, if applicable, restricted? If yes, this fund should be classified as a Special Revenue Fund (SRF) . Stop here and submit the request. If no, go to question #11.
(11)	☐ Yes ☐ No	Does the principal have to be maintained intact & only earnings used for restricted government program(s)? If yes, this fund should be classified as Permanent Fund Type (PF) . Stop here and submit the request. If no, this fund should be classified as a General Fund Type (GF) . Stop here and submit the request.
(12)	☐ Yes ☐ No	Is the fund used to account for County business-type activities and is supported, at least in part, by user fees/charges? If no, go to question #15.
(13)	☐ Yes ☐ No	Are services accounted for in the fund primarily provided to the County (Funds, departments, agencies and component units or other governments)? If yes, this fund should be classified as an Internal Service Fund Type (ISF) . Stop here and submit the request. If no, go to question #14.
(14)	☐ Yes ☐ No	Are fees charged to external users for goods or services? If yes, this fund should be classified as an Enterprise Fund Type (EF) . Stop here and submit the request. If no, go to question #15.
(15)	☐ Yes ☐ No	Are assets held in a trust or agency capacity for others and use prohibited for County programs? If yes, go to question #16. If no, go to question #9.
(16)	☐ Yes ☐ No	Are some of the assets external portions of the investment pool? If yes, this fund should be classified as an Investment Trust Fund Type (ITF) . Stop here and submit the request. If no, go to question #17.
(17)	☐ Yes ☐ No	Are assets held for members of employee or post-employment benefit plans? If yes, this fund should be classified as a Pension/Employee Fund Type . Stop here and submit the request. If no, go to questions #18.
(18)	☐ Yes ☐ No	Is the fund used to report other trust arrangements which principal & interest benefit individuals, private organizations or other governments? If yes, this fund should be classified as a Private Purpose Trust Fund Type . Stop here and submit the request. If no, go to question #19.
(19)	☐ Yes ☐ No	Are the resources purely held in custodial capacity; only receipt, temporary investment & remittance to individuals, private organizations or other governments? If yes, this fund should be classified as an Agency Trust Fund Type . Stop here and submit the request.

**SPM FORM
GL - 1**

Page 4 of 5
ESTABLISH/UPDATE/INACTIVATE FUND REQUEST CHECKLIST

To Establish a Fund - To be Completed by the Auditor-Controller's Office

(Circle One)						
No.	Add	Inactive	DESCRIPTION	✓	Initials	Date
1			Chart of Accounts			
	A	I	Review GL-1 for completeness			
	A		Assign Cash Attribute			
	A		Fund Pool %			
	A	I	Update and Printout crosswalk for approval process			
1b	A	I	Signature Authorization Completed			
	A		Setup Fund in System			
	A	I	- Establish Fund as Active/Inactive			
	A		- Add to Trees			
	A		- Add to Combination Group			
1c	A	I	Communicate Changes			

COMMENTS: _____

COMMENTS: _____

BUDGET Checking Tolerances to Apply:	Percentages	Amount	Attributes	
When Encumbrance Exceeds Pre-encumbrance:	15%	500	Cash Type:	
When Expenditure Exceeds Pre-encumbrance (Inv):	15%	500	Interest:	
When Expenditure Exceeds Encumbrance:	15%	500		

If using 11a on checklist, enter Account Code string here: _____

✓	Fund Types	Equity Account to Which Revenues & Expenditures Close To
GOVERNMENTAL		
	General Fund	1
	Sub-any Fund	2, 3, 4
	Flood General Fund	1
	Special Revenue	
	Transportation	2, 3, 4, 5
	Community Services	2, 3, 4, 5
	Other Special Revenue	2, 3, 4, 5
	County Service Areas	2, 3, 4, 5
	Redevelopment Agency	2, 3, 4, 5
	Flood Control	2, 3, 4, 5
	Regional Park & Open-Space Distr.	2, 3, 4, 5
	Capital Projects	
	Public Facilities Improvements	2, 3, 4, 5
	CORAL	2, 3, 4, 5
	Correctional Facilities	2, 3, 4, 5
	Redevelopment Agency	2, 3, 4, 5
	District Court Project	2, 3, 4, 5
	Public Finance Authority	2, 3, 4, 5
	Flood Control	2, 3, 4, 5
	Regional Park & Open-Space Distr.	2, 3, 4, 5
	Debt Service	
	CORAL	2, 3, 5
	Teeter	2, 3, 5
	Redevelopment Agency	2, 3, 5
	Desert Facilities Corp	2, 3, 5
	District Court Project	2, 3, 5
	Public Finance Authority	2, 3, 5
	Flood Control	2, 3, 5
	Permanent Funds	4, 5

✓	Fund Types	Equity Account to Which Revenues & Expenditures Close To
PROPRIETARY		
	Enterprise	
	Animal Spay & Neuter	6
	Waste Management	6
	County Service Areas	6
	Housing Authority	6
	Flood Control	6
	Internal Service	6
	Medical Center Data Processing	6
	Transportation Equipment	6
	Fleet Services	6
	OASIS Project	6
	Information Technology	6
	Printing Services	6
	Supply Services	6
	Risk Management	6
	TAP (Temporary Assistance Pool)	6
	Flood Control Equipment	6
FIDUCIARY		
	Pension	Liability
	Private Purpose	
	Others	Liability
	Flood	Liability
	Agency	Liability
	Investment	Net Pool

Key:

1. UAFB = Unassigned Fund Balance
2. AFB = Assigned Fund Balance 3. CFB = Committed Fund Balance 4. NFB = Nonspendable Fund Balance
5. RFB = Restricted Fund Balance
6. NA = Net Assets



Western Riverside Council of Governments Executive Committee

Staff Report

Subject: Final draft Fiscal Year 2017/2018 Agency Budget

Contact: Ernie Reyna, Chief Financial Officer, reyna@wrcog.coq.ca.us, (951) 955-8432

Date: June 5, 2017

The purpose of this item is to provide the Committee with minor updates to the final draft Budget for Fiscal Year (FY) 2017/2018 and request that the Committee approve the final draft.

Requested Action:

1. Recommend that the General Assembly adopt WRCOG Resolution Number 18-17; A Resolution of the General Assembly of the Western Riverside Council of Governments adopting the Fiscal Year 2017/2018 Agency Budget for the Western Riverside Council of Governments.

Update

Based on discussions and comments from both staff and various WRCOG Committees, the following are highlights to the revisions made to the draft Budget since it was initially released for review.

The Transportation Department will be adding additional funding for 3rd party litigation. This amount is for claims against third parties due to negligent / intentional acts based on a prior lawsuit that WRCOG was involved in.

The second revision adds to the Budget a Community Choice Aggregation Director, based on direction / authority given to staff at the April Administration & Finance Committee meeting.

The third revision increases WRCOG's Budget for its office lease to account for the Agency's anticipated relocation later this year.

Budget

WRCOG's annual Budget is adopted every June by the General Assembly. Before the Budget is approved by the General Assembly, it is vetted through WRCOG's Committees for comment and direction. The Budget is assembled by the Agency Departments: General Fund, Energy, Environment, and Transportation. Each Department contains its own programs and has its own source of funds within the accounting system. Once the Budget has been vetted through the Committees, it is presented to the General Assembly as an "Agency-wide" Budget.

The final draft Budget for FY 2017/2018 is presented according to the following schedule:

- March 23, 2017: WRCOG Finance Directors' Committee (first review)
- April 12, 2017: WRCOG Administration & Finance Committee (first review)
- April 20, 2017: WRCOG Technical Advisory Committee (first review)
- May 1, 2017: WRCOG Executive Committee (first review)

- May 10, 2017: WRCOG Administration & Finance Committee (second review)
- May 18, 2017: WRCOG Technical Advisory Committee (second review)
- June 5, 2017: WRCOG Executive Committee (second review)
- June 22, 2017: WRCOG General Assembly

The final draft FY 2017/2018 Budget (attached) is presented by Departments (General Fund, Energy, Environment, and Transportation) with each department displaying its own programs.

The tab labeled "Total General Fund" includes the default Administration Program as well as the Governmental Relations Program. The Administration Program receives its revenues mostly from member dues. Budgeted expenditures include salaries and benefits of those employees charged to Administration, including the Executive Director and the Executive Assistant; the lease WRCOG pays to the County for rent; and audit, bank, legal, and consulting fees to name a few. Expenditures have historically exceeded revenues in this Program so the Agency must charge overhead to the remaining Departments to balance its Budget. The overhead is determined during the creation of the Budget and is simply the amount necessary to have revenues equal expenditures. Departments will show the amount of overhead they are paying in the General Operations line item. The amount provided by the various Departments will then be transferred out to the Administration Program to balance that particular Budget.

The Administration Program has budgeted funds for an office move.

The Governmental Relations Program will continue to fund the BEYOND Program with \$2M in Agency carryover funds, an increase of \$200K from the previous fiscal year. The WRCOG Fellowship Program will also continue into FY 2017/2018 with excess carryover funds from Round I of the Fellowship Program.

The Energy Department includes the following Programs: PACE local (WRCOG), statewide (CA), Spruce, and CaliforniaFirst; the Western Riverside Energy Partnership (WREP); the Regional Streetlight Program; and Community Choice Aggregation. PACE Program administration has generated revenues for the Agency over the past couple of years, and it is anticipated this will continue into the FY 2017/2018 Budget year.

The Environment Department includes the Solid Waste and Used Oil Programs, which receive state funding to provide services to WRCOG's member agencies. FY 2017/2018 will also be the pilot year for WRCOG's new Litter Program.

The Transportation Department includes the following Programs: Transportation Uniform Mitigation Fee (TUMF); the Active Transportation Plan (ATP); and the Clean Cities Program. The majority of revenues received in the Transportation Department come from the TUMF Program.

The Agency's FY 2017/2018 total Budget will present a higher total amount of revenues and expenditures than in previous years because staff will continue to include total TUMF revenue and total project expenditures in the Budget. In past years, the only portion included for TUMF was the 4% Administration amount WRCOG received from the Program. The revenue and expenditures will continue to include 100% of the TUMF Program's total revenue and expenditures. Because of this additional amount for TUMF, total Agency revenue for FY 2017/2018, plus transfers from other departments for overhead, is projected to be \$65,117,046 against total Agency expenditures of \$65,131,737. The amount of revenue for FY 2017/2018 represents an increase of \$4,258,370, or 7%, against the prior Fiscal year. Expenditures for FY 2017/2018 represents an increase of \$5,096,602, or 8%, against the prior Fiscal year.

Prior Actions:

May 18, 2017: The Technical Advisory Committee received report.
May 10, 2017: The Administration & Finance Committee received report.

Fiscal Impact:

All known and expected revenues and expenditures impacting the Agency have been budgeted for Fiscal Year 2017/2018, but will be continually updated throughout the Budget process.

Attachments:

1. WRCOG Resolution Number 18-17; A Resolution of the General Assembly of the Western Riverside Council of Governments adopting the Fiscal Year 2017/2018 Agency Budget for the Western Riverside Council of Governments.
2. Draft summary Agency Budget for Fiscal Year 2017/2018.

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Item 4.D

Final draft Fiscal Year 2017/2018
Agency Budget

Attachment 1

WRCOG Resolution Number 18-17;
A Resolution of the General
Assembly of the Western Riverside
Council of Governments adopting the
Fiscal Year 2017/2018 Agency
Budget for the Western Riverside
Council of Governments

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Western Riverside Council of Governments

County of Riverside • City of Banning • City of Calimesa • City of Canyon Lake • City of Corona • City of Eastvale • City of Hemet • City of Jurupa Valley
City of Lake Elsinore • City of Menifee • City of Moreno Valley • City of Murrieta • City of Norco • City of Perris • City of Riverside • City of San Jacinto
City of Temecula • City of Wildomar • Eastern Municipal Water District • Western Municipal Water District • Morongo Band of Mission Indians
Riverside County Superintendent of Schools

RESOLUTION NUMBER 18-17

A RESOLUTION OF THE GENERAL ASSEMBLY OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS ADOPTING THE FISCAL YEAR 2017/2018 AGENCY BUDGET FOR THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS

WHEREAS, the Western Riverside Council of Governments ("WRCOG") operates on a fiscal year basis, beginning on July 1 of each year and continuing until June 30 of the succeeding year; and

WHEREAS, Article III, Section 3.3 of the WRCOG Joint Powers of Agreement states that prior to July 1 of each year, the General Assembly of WRCOG shall adopt a final budget for the expenditures of WRCOG during the following year; and

WHEREAS, Article III, Section 6, Subdivision (A) of the WRCOG Bylaws states that the Executive Committee of WRCOG shall prepare and recommend to the General Assembly a yearly budget for funds and distribution and to determine the estimated share of contributions from each member agency; and

WHEREAS, on June 5, 2017, the Executive Director presented a proposed Budget for Fiscal Year 2017/2018 to the Executive Committee, and the Executive Committee recommended the proposed Budget for Fiscal Year 2017/2018 to the General Assembly; and

WHEREAS, WRCOG provided the public with proper notice that the meeting to approve the proposed Budget for Fiscal Year 2017/2018 is to be held on June 22, 2017, at the General Assembly meeting; and

WHEREAS, on June 22, 2017, the proposed Budget for Fiscal Year 2017/2018 was presented to the General Assembly and the General Assembly held a public hearing on the proposed Budget.

NOW, THEREFORE, THE GENERAL ASSEMBLY OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS RESOLVES AS FOLLOWS:

Section 1. RECITALS

The above recitals are incorporated herein by this reference.

Section 2. FINAL BUDGET

The General Assembly hereby approves and adopts the WRCOG Fiscal Year 2017/2018 Budget.

Section 3. AMENDING THE FINAL BUDGET

In accordance with Sections 4.1 and 1.2.2, Subdivision (f) of the WRCOG Joint Powers Agreement and Government Code section 29092, the General Assembly hereby delegates its powers to amend the WRCOG Fiscal Year 2017/2018 Budget and approve Budget transfers throughout the fiscal year to the Executive Director and/or the Executive Committee.

PASSED AND ADOPTED at a Meeting of the General Assembly of the Western Riverside Council of Governments held this 22nd day of June 2017.

Ben Benoit, Chair
WRCOG Executive Committee

Rick Bishop, Secretary
WRCOG Executive Committee

Approved as to form:

Steven DeBaun
WRCOG Legal Counsel

AYES: _____ NOES: _____ ABSENT: _____ ABSTAIN: _____

Item 4.D

Final draft Fiscal Year 2017/2018
Agency Budget

Attachment 2

Draft summary Agency Budget for
Fiscal Year 2017/2018

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**Western Riverside Council of Governments
Annual Budget
For the Year Ending June 30, 2018**

DRAFT 5/10/17

Total Agency Budget

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Revenues				
40001	Member Dues	309,410	306,410	311,410
42004	General Assembly	300,000	500	300,000
40008	BEYOND	1,800,000	1,800,000	2,052,917
40601	WRCOG HERO Residential Revenue	1,963,735	903,078	816,771
40603	CA HERO Residential Revenue	7,615,461	4,573,813	7,639,575
40605	The Gas Company Partnership	62,000	41,031	50,000
40607	SAMAS Commercial Revenue (WRCOG)	25,000	5,649	10,000
40608	Renovate Commercial Revenue (WRCOG)	-	-	5,000
40607	SAMAS Commercial Revenue (Statewide)	2,500	7,755	8,000
40606	SCE WREP Revenue	4,692	77,698	75,000
40610	Renovate Commercial Recording Revenue (WRCOG)	-	-	350
40610	Renovate Commercial Recording Revenue (Statewide)	-	-	350
40611	WRCOG HERO Residential Recording Revenue	335,555	200,625	182,775
40612	CA HERO Residential Recording Revenue	1,301,300	919,305	1,508,036
40613	SAMAS Commercial Recording Revenue (WRCOG)	1,200	285	350
40613	SAMAS Commercial Recording Revenue (Statewide)	-	-	350
40618	CA First Residential Revenue	-	-	167,000
40620	Spruce Residential Revenue	-	-	167,000
40621	CA First Residential Recording Revenue	-	-	86,000
40623	Spruce Residential Recording Revenue	-	-	86,000
40613	Regional Streetlights	276,561	-	228,960
41201	Solid Waste	107,915	98,415	117,100
41401	Used Oil Revenue	265,227	240,227	255,000
40614	Active Transportation Revenue	200,000	50,254	150,000
41402	Air Quality-Clean Cities	139,500	139,250	137,500
41701	LTF	701,300	701,250	825,000
43001	Commercial/Service - Admin Portion	37,074	45,953	101,097
43002	Retail - Admin Portion	142,224	54,031	118,867
43003	Industrial - Admin Portion	128,446	113,242	249,133
43004	Residential/Multi/Single - Admin Portion	1,067,271	475,354	1,045,779
43005	Multi-Family - Admin Portion	224,983	58,994	129,787
43001	Commercial/Service - Non-Admin Portion	889,786	1,103,157	2,426,945
43002	Retail - Non-Admin Portion	3,413,375	1,296,736	2,852,820
43003	Industrial - Non-Admin Portion	3,082,710	2,717,816	5,979,195
43004	Residential/Multi/Single - Non-Admin Portion	25,614,514	11,408,214	25,098,070
43005	Multi-Family - Non-Admin Portion	5,399,595	1,415,859	3,114,890
49002	Fund Balance/Carryover	4,009,000	-	6,299,409
	Total Revenues	60,156,962	29,282,933	62,996,435
Overhead: Overhead Transfer In				
	Transfer In from Other Departments			1,575,611
	Transfer In from CA HERO to Energy Programs			545,000
	Total Revenue and Transfer In			65,117,046



Western Riverside Council of Governments
Annual Budget
For the Year Ending June 30, 2018

DRAFT 5/10/17

Total Agency Budget

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Expenditures				
Wages and Benefits				
60001	Wages & Salaries	1,971,226	1,264,572	2,584,095
61000	Fringe Benefits	576,636	381,845	739,956
61012	OPEB Expense	60,000	-	60,000
	Total Wages and Benefits	2,607,862	1,646,417	3,384,051
General Operations				
65101	General Legal Services	450,949	481,939	530,233
XXXXX	3rd Party Litigation	-	-	250,000
65401	Audit Fees	25,000	15,300	27,500
65505	Bank Fees	25,500	19,265	29,000
65507	Commissioners Per Diem	46,950	35,250	62,500
73001	Office Lease	145,000	90,826	427,060
73003	WRCOG Auto Fuel	678	353	750
73004	WRCOG Auto Maintenance	33	33	100
73101	Special Mail Svcs	1,500	1,028	1,800
73102	Parking Validations	3,755	3,655	4,775
73104	Staff Recognition	1,200	712	1,245
73106	Coffee and Supplies	-	-	160
73107	Event Support	146,133	51,840	112,600
73108	General Supplies	52,753	33,373	66,536
73109	Computer Supplies	10,837	4,768	12,500
73110	Computer Software	13,705	24,272	18,000
73111	Rent/Lease Equipment	25,000	21,695	35,000
73113	Membership Dues	19,864	17,176	31,950
73114	Subscriptions/Publications	10,039	16,356	6,500
73115	Meeting Support/Services	10,271	5,650	12,100
73116	Postage	10,246	2,696	8,155
73117	Other Household Expenditures	2,523	4,764	4,880
73118	COG Partnership Agreement	40,000	17,772	25,000
73119	Storage	5,000	-	1,000
73120	Printing Services	29,947	-	15,000
73121	Public Notices	13,000	-	11,900
73122	Computer Hardware	4,000	337	1,000
73201	Communications-Regular	2,000	559	1,000
73203	Communications-Long Distance	1,200	151	500
73204	Communications-Cellular	11,040	8,009	12,677
73206	Communications-Comp Sv	18,271	42,558	75,000
73209	Communications-Web Site	15,600	1,314	5,600
73301	Equipment Maintenance - General	7,070	10,565	11,000
73302	Equipment Maintenance - Computers	8,151	14,264	25,000
73405	Insurance - General/Business Liason	73,045	72,845	72,950
73407	WRCOG Auto Insurance	1,570	1,570	1,570
73502	County RIFMIS Charges	2,675	720	1,200
73506	PACE Recording Fees	1,636,855	895,960	1,862,811
73601	Seminars/Conferences	19,562	8,982	24,550
73605	General Assembly Expenditures	303,473	3,317	304,200



**Western Riverside Council of Governments
Annual Budget
For the Year Ending June 30, 2018**

DRAFT 5/10/17

Total Agency Budget

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
73611	Travel - Mileage Reimbursement	16,002	7,981	15,700
73612	Travel - Ground Transportation	13,337	5,640	13,100
73613	Travel - Airfare	20,012	9,598	28,704
73620	Lodging	19,300	4,818	17,850
73630	Meals	11,042	3,121	10,419
73640	Other Incidentals	16,981	9,147	13,358
73650	Training	12,914	1,461	14,321
73703	Supplies/Materials	11,850	300	35,117
73704	Newspaper Ads	38,813	-	47,370
73705	Billboard Ads	15,000	-	9,000
73706	Radio & TV Ads	2,882	-	5,500
73801	Education Reimbursement	25,000	-	25,000
85100	Direct Costs	42,353	41,133	51,571
7XXXX	OPEB Repayment	71,053	-	71,053
85101	Consulting Labor	3,490,284	1,658,778	3,659,928
85102	Consulting Expenses	252,500	3,613	72,865
85160	TUMF Project Reimbursement	38,399,980	38,858,094	39,000,000
85180	BEYOND Expenditures	2,023,000	234,186	2,052,917
85185	Fellowship Expenditures	-	-	400,000
85190	Water Task Force Expenditures	744	744	10,000
90101	Computer Equipment Purchases	31,500	24,115	41,204
90301	Office Furniture Purchases	-	-	315,000
90501	Office Improvements	-	3,276	4,000
97011	Anticipated Carryover Projects (FY 17/18)	5,301,461	-	4,552,556
97012	BEYOND/GF Projects	1,286,189	-	4,400,000
	Total General Operations	54,446,197	42,825,487	58,961,835
	Overhead Transfer Out			
	Transfer Out from Other Departments to General Fund	1,515,636	1,010,424	2,219,371
	Transfer Out from CA HERO to Energy Programs	-	-	545,000
	Total Expenditures and Transfer Out	58,569,695	45,482,327	65,110,257

Position

Time Spent

Executive Director	100%
Director of Transportation	100%
Chief Financial Officer	100%
Director of Energy & Environment	100%
Director of Governmental Affairs	100%
Director - CCA	100%
Program Manager- Transportation	100%
Program Manager - Energy	100%
Program Manager - Office	100%
Program Manager - Fiscal	100%
Program Manager - Energy	100%
Program Manager - Energy	100%
Senior Analyst - Fiscal	100%
Senior Analyst - Environment	100%
Senior Analyst -TUMF	100%
Senior Analyst - Energy	100%
Staff Analyst - Energy	100%
Staff Analyst - Gov't Affairs	100%
Staff Analyst - Gov't Affairs	100%
Staff Analyst - Streetlights	100%
Staff Analyst - Environment	100%
Staff Analyst - Energy	100%
Staff Analyst - Energy	100%
Staff Analyst - Energy	100%
Staff Analyst - Transportation	100%
Staff Technician - Energy	100%
Staff Technician - Energy	100%



Western Riverside Council of Governments
Annual Budget
For the Year Ending June 30, 2018

DRAFT 5/10/17

Total Agency Budget

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Staff Technician - Call Center	100%			
Staff Technician - Call Center	100%			
Staff Technician - Call Center	100%			
Staff Technician - Call Center	100%			
Staff Technician - Call Center	100%			
Staff Technician - Fiscal	100%			
Admin Assistant - Office	100%			
Admin Assistant - Office	100%			



**Western Riverside Council of Governments
Annual Budget
For the Year Ending June 30, 2018**

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Total General Fund			
	6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Revenues			
40001 Member Dues	309,410	306,410	311,410
40008 BEYOND	1,800,000	1,800,000	2,052,917
40009 Fellowship	400,000	400,000	400,000
42004 General Assembly	300,000	500	300,000
49002 Fund Balance/Carryover	-	-	1,200,000
Total Revenues	2,809,410	2,508,925	4,264,327
Overhead Transfer In			
Transfer In from Other Departments	-	-	2,225,611
Total Revenue and Transfer In			6,489,938
Expenditures			
Wages and Benefits			
60001 Wages & Salaries	818,380	629,728	878,592
61000 Fringe Benefits	273,111	183,494	281,344
65330 OPEB Expense	60,000	-	60,000
Total Wages and Benefits	1,151,491	813,222	1,219,936
General Operations			
65101 General Legal Services	60,088	65,911	77,500
65401 Audit Fees	25,000	15,300	27,500
65505 Bank Fees	3,000	955	2,000
65507 Commissioners Per Diem	45,000	33,300	60,000
73001 Office Lease	145,000	90,826	427,060
73003 WRCOG Auto Fuel	678	353	750
73004 WRCOG Auto Maintenance	33	33	100
73101 Special Mail Svcs	1,500	1,028	1,800
73102 Parking Validations	855	925	1,475
73104 Staff Recognition	1,000	537	800
73107 Event Support	61,561	33,394	77,000
73108 General Supplies	10,188	5,352	10,200
73109 Computer Supplies	4,437	1,824	2,500
73110 Computer Software	10,705	23,959	15,000
73111 Rent/Lease Equipment	25,000	21,452	35,000
73113 Membership Dues	14,829	15,496	25,750
73114 Subscriptions/Publications	4,864	15,931	5,000
73115 Meeting Support/Services	2,508	2,582	4,400
73116 Postage	2,053	441	1,050
73117 Other Household Expenditures	2,000	2,659	2,000
73119 Storage	5,000	-	1,000
73122 Computer Hardware	2,000	337	1,000
73201 Communications-Regular	2,000	559	1,000

73203	Communications-Long Distance	1,200	151	500
73204	Communications-Cellular	4,177	3,121	5,677
73206	Communications-Comp Sv	18,271	42,558	75,000
73209	Communications-Web Site	10,000	1,314	5,000
73301	Equipment Maintenance - General	5,570	7,445	10,000
73302	Equipment Maintenance - Computers	8,151	14,264	25,000
73405	Insurance - General/Business Liason	72,250	72,250	72,250
73407	WRCOG Auto Insurance	1,570	1,570	1,570
73502	County RCIT	2,500	545	1,000
73601	Seminars/Conferences	12,500	6,558	11,500
73605	General Assembly	300,000	2,125	300,000
73611	Travel - Mileage Reimbursement	4,859	1,956	4,500
73612	Travel - Ground Transportation	2,094	525	2,000
73613	Travel - Airfare	5,300	1,199	5,300
73620	Lodging	6,600	2,992	6,600
73630	Meals	2,900	1,018	2,500
73640	Other Incidentals	1,100	480	1,100
73650	Training	5,600	-	5,600
73801	Education Reimbursement	25,000	-	25,000
7XXXX	OPEB Repayment	71,053	-	71,053
85101	Consulting Labor	26,266	39,532	100,000
85180	BEYOND Expenditures	2,023,000	234,186	2,052,917
85185	Fellowship Expenditures	-	-	400,000
85190	Water Task Force Expenditures	744	744	10,000
90101	Computer Equipment/Software	20,000	22,630	31,175
90301	Office Furniture Purchases	-	-	312,500
	Total General Operations	3,160,004	790,316	4,317,627

Total Expenditures

4,311,495	1,603,539	5,537,563
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Position	Time Spent
Executive Director	100%
Chief Financial Officer	40%
Director of Govermental Affairs	100%
<i>Program Manager - Office</i>	100%
Program Manager - Fiscal	80%
Senior Analyst - Fiscal	100%
Staff Analyst - Gov't Affairs	100%
<i>Staff Analyst - Gov't Affairs</i>	100%
<i>Staff Technician - Fiscal</i>	50%
<i>Admin Assistant - Office</i>	100%
<i>Admin Assistant - Office</i>	100%



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Administration - 12

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Revenues				
40001	Member Dues	309,410	306,410	311,410
42004	General Assembly	300,000	500	300,000
	Total Revenues	609,410	308,925	611,410
Overhead Transfer In				
	Transfer In from Other Departments	-	-	2,225,611
Total Revenue and Transfer In				2,837,021
		6/30/2017 Budget	2/28/2017 Actual	Proposed 6/30/2018 Budget
Expenditures				
Wages and Benefits				
60001	Wages & Salaries	631,223	334,777	661,329
61000	Fringe Benefits	225,448	150,299	229,137
65330	OPEB Expense	60,000	-	60,000
	Total Wages and Benefits	916,671	485,075	950,466
General Operations				
65101	General Legal Services	60,000	63,529	75,000
65401	Audit Fees	25,000	15,300	27,500
65505	Bank Fees	3,000	955	2,000
65507	Commissioners Per Diem	45,000	33,300	60,000
73001	Office Lease	145,000	90,826	427,060
73003	WRCOG Auto Fuel	678	353	750
73004	WRCOG Auto Maintenance	33	33	100
73101	Special Mail Svcs	1,500	1,028	1,800
73102	Parking Validations	750	715	1,225
73104	Staff Recognition	1,000	537	800
73107	Event Support	60,000	31,501	75,000
73108	General Supplies	10,000	5,156	10,000
73109	Computer Supplies	3,000	387	1,000
73110	Computer Software	10,525	23,959	15,000
73111	Rent/Lease Equipment	25,000	21,452	35,000
73113	Membership Dues	14,354	14,916	25,000
73114	Subscriptions/Publications	4,864	15,756	5,000
73115	Meeting Support/Services	1,608	1,993	3,500
73116	Postage	2,000	388	1,000
73117	Other Household Expenditures	2,000	2,659	2,000
73119	Storage	5,000	-	1,000
73122	Computer Hardware	2,000	337	1,000
73201	Communications-Regular	2,000	559	1,000
73203	Communications-Long Distance	1,200	151	500
73204	Communications-Cellular	4,000	2,944	5,500
73206	Communications-Comp Sv	18,271	42,558	75,000

73209	Communications-Web Site	10,000	1,314	5,000
73301	Equipment Maintenance - General	5,570	7,445	10,000
73302	Equipment Maintenance - Computers	8,151	14,264	25,000
73405	Insurance - General/Business Liason	72,250	72,250	72,250
73407	WRCOG Auto Insurance	1,570	1,570	1,570
73502	County RCIT	2,500	545	1,000
73601	Seminars/Conferences	5,000	781	4,000
73605	General Assembly	300,000	2,125	300,000
73611	Travel - Mileage Reimbursement	2,500	764	2,500
73612	Travel - Ground Transportation	1,500	232	1,500
73613	Travel - Airfare	3,500	446	3,500
73620	Lodging	3,000	436	3,000
73630	Meals	2,000	860	2,000
73640	Other Incidentals	1,000	480	1,000
73650	Training	5,000	-	5,000
73801	Education Reimbursement	25,000	-	25,000
73660	OPEB Repayment	71,053	-	71,053
85101	Consulting Labor	26,266	39,532	100,000
90101	Computer Equipment/Software	20,000	22,630	31,175
90301	Office Furniture Purchases	-	-	312,500
	Total General Operations	1,113,643	536,964	1,829,783

Total Expenditures

2,030,314	1,022,039	2,780,249
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Position	Time Spent
Executive Director	100%
Chief Financial Officer	40%
Program Manager - Office	100%
Program Manager - Fiscal	80%
Senior Analyst - Fiscal	100%
<i>Staff Technician - Fiscal</i>	<i>50%</i>
<i>Admin Assistant - Office</i>	<i>100%</i>
<i>Admin Assistant - Office</i>	<i>100%</i>



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Government Relations - 25

		6/30/2016 Budget	Thru 2/29/2016 Actual	Proposed 6/30/2018 Budget
Revenues				
40008	BEYOND - Framework Fund - Round II	1,800,000	1,800,000	2,052,917
40009	Fellowship	400,000	400,000	400,000
49002	Fund Balance/Carryover			1,200,000
	Total Revenues	2,200,000	2,200,000	3,652,917
		6/30/2016 Budget	Thru 2/29/2016 Actual	Proposed 6/30/2018 Budget
Expenditures				
Wages and Benefits				
60001	Wages & Salaries	187,157	294,952	217,263
	Fringe Benefits	47,663	33,195	52,207
	Total Wages and Benefits	234,820	328,147	269,470
General Operations				
65101	General Legal Services	88	2,383	2,500
73102	Parking Validations	105	210	250
73107	Event Support	1,561	1,893	2,000
73108	General Supplies	188	196	200
73109	Computer Supplies	1,437	1,437	1,500
73113	Membership Dues	475	580	750
73115	Meeting Support/Services	900	589	900
73116	Postage	53	53	50
73204	Communications-Cellular	177	177	177
73601	Seminars/Conferences	7,500	5,777	7,500
73611	Travel - Mileage Reimbursement	2,359	1,192	2,000
73612	Travel - Ground Transportation	594	293	500
73613	Travel - Airfare	1,800	753	1,800
73620	Lodging	3,600	2,556	3,600
73630	Meals	900	158	500
73640	Other Incidentals	100	-	100
73650	Training	600	-	600
85180	BEYOND Expenditures	2,023,000	234,186	2,052,917
85185	Fellowship Expenditures	-	-	400,000
85101	Water Task Force - Consulting	744	744	10,000
	Total General Operations	2,046,361	253,353	2,487,844
Total Expenditures		2,281,181	581,500	2,757,314

Position	Time Spent
Director of Governmental Affairs	100%
Staff Analyst - Gov't Affairs	100%
Staff Analyst - Gov't Affairs	100%



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Total Energy Budget			
	6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Revenues			
40601 WRCOG HERO Residential Revenue	1,963,735	903,078	816,771
40603 CA HERO Residential Revenue	7,615,461	4,573,813	7,639,575
40605 The Gas Company Partnership	62,000	41,031	50,000
40607 SAMAS Commercial Revenue (WRCOG)	25,000	5,649	10,000
40608 Renovate Commercial Revenue (WRCOG)	-	-	5,000
40607 SAMAS Commercial Revenue (Statewide)	2,500	7,755	8,000
40606 SCE WREP Revenue	4,692	77,698	75,000
40610 Renovate Commercial Recording Revenue (WRCOG)	-	-	350
40610 Renovate Commercial Recording Revenue (Statewide)	-	-	350
40611 WRCOG HERO Residential Recording Revenue	335,555	200,625	182,775
40612 CA HERO Residential Recording Revenue	1,301,300	919,305	1,508,036
40613 SAMAS Commercial Recording Revenue (WRCOG)	1,200	285	350
40613 SAMAS Commercial Recording Revenue (Statewide)	-	-	350
40618 CA First Residential Revenue	-	-	167,000
40620 Spruce Residential Revenue	-	-	167,000
40621 CA First Residential Recording Revenue	-	-	86,000
40623 Spruce Residential Recording Revenue	-	-	86,000
40613 Regional Streetlights	276,561	-	228,960
49002 Fund Balance Carryover	4,009,000	-	4,699,409
Total Revenues	15,933,632	6,857,271	15,730,926
Overhead Transfer In			
Transfer In from CA HERO to Energy Programs			545,000
Total Revenues and Transfers In	15,933,632	6,857,271	16,275,926
	6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Expenditures			
Wages and Benefits			
60001 Wages & Salaries	550,432	314,004	1,152,279
61000 Fringe Benefits	150,536	102,777	331,245
Total Wages and Benefits	700,968	416,782	1,483,524
General Operations			
65101 General Legal Services	165,937	151,884	274,733
65505 Bank Fees	22,500	18,310	27,000
65507 Commissioners Per Diem	1,950	1,950	2,500
73102 Parking Validations	1,400	1,315	1,800
73107 Event Support	37,772	16,825	31,900
73108 General Supplies	7,583	4,510	11,965
73109 Computer Supplies	3,500	1,814	6,500
73110 Computer Software	2,000	88	2,000
73113 Membership Dues	4,265	1,011	5,250
73114 Subscriptions/Publications	175	425	500
73115 Meeting Support/Services	7,063	2,538	6,600

73116	Postage	3,205	1,472	2,055
73117	Other Household Expenditures	310	1,858	2,000
73118	COG Partnership Agreement	40,000	17,772	25,000
73204	Communications-Cellular	4,363	2,234	3,000
73405	Insurance - General/Business Liason	595	595	700
73506	PACE Residential Recording Fees	1,636,855	895,960	1,862,811
73601	Seminars/Conferences	7,062	2,424	13,050
73611	Travel - Mileage Reimbursement	11,143	6,025	11,200
73612	Travel - Ground Transportation	5,410	1,815	4,850
73613	Travel - Airfare	13,437	8,124	22,004
73620	Lodging	8,600	1,637	7,500
73630	Meals	4,326	818	4,700
73640	Other Incidentals	12,474	5,392	8,858
73650	Training	6,000	40	6,771
73703	Supplies/Materials	11,250	300	33,317
73704	Newspaper Ads	6,863	-	15,000
73705	Billboard Ads	-	-	5,000
85101	Consulting Labor	2,682,916	1,362,383	2,159,928
85102	Consulting Expenses	220,000	-	2,500
90101	Computer Equipment Purchases	6,500	-	5,029
90501	Office Improvements	-	3,276	4,000
97011	Estimated FY 17/18 Carryover	5,301,461	-	4,252,556
97012	BEYOND/GF Projects	1,286,189	-	4,400,000
		11,583,656	2,562,398	13,222,577

Overhead Transfer Out

Transfer Out from Energy to General Fund	669,136	446,091	1,426,791
Transfer Out from CA HERO to Energy Programs	-	-	545,000
Total Expenditures and Transfer Out	12,953,760	3,425,270	16,677,892

Position	Time Spent
Chief Financial Officer	40%
Director of Energy & Environment	100%
Director - CCA	100%
Program Manager - Energy	100%
Program Manager - Fiscal	10%
Program Manager - Energy	100%
Program Manager - Energy	100%
Senior Analyst - Energy	100%
Staff Analyst - Energy	100%
Staff Analyst - Streetlights	100%
Staff Analyst - Energy	100%
Staff Analyst - Energy	100%
Staff Analyst - Energy	100%
Staff Technician - Energy	100%
Staff Technician - Energy	100%
Staff Technician - Call Center	100%
Staff Technician - Call Center	100%
Staff Technician - Call Center	100%
Staff Technician - Call Center	100%
Staff Technician - Call Center	100%



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Program: WRCOG HERO - 2006

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Revenues				
40601	WRCOG HERO Residential Revenue	1,963,735	903,078	816,771
40607	SAMAS Commercial Revenue (WRCOG)	25,000	5,649	10,000
40608	Renovate Commercial Revenue (WRCOG)	-	-	5,000
40610	Renovate Commercial Recording Revenue (WRCOG)			350
40611	WRCOG HERO Residential Recording Revenue	335,555	200,625	182,775
40613	SAMAS Commercial Recording Revenue (WRCOG)	1,200	285	350
49002	Fund Balance Carryover	730,000	-	650,000
Total Revenues		3,055,490	1,109,637	1,665,246
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Expenditures				
Wages and Benefits				
60001	Wages & Salaries	200,909	104,442	276,183
61000	Fringe Benefits	58,363	38,909	84,280
Total Wages and Benefits		259,272	143,351	360,463
General Operations				
65101	General Legal Services	33,024	57,603	75,000
65505	Bank Fees	20,000	8,230	15,000
73102	Parking Validations	800	745	800
73107	Event Support	1,500	-	1,500
73108	General Supplies	3,500	2,111	3,000
73110	Computer Software	1,000	-	1,500
73113	Membership Dues	3,000	600	2,500
73115	Meeting Support/Services	250	115	300
73116	Postage	250	60	300
73204	Communications-Cellular	2,000	1,313	2,000
73506	PACE Residential Recording Fees	335,555	160,704	182,775
73601	Seminars/Conferences	3,500	2,125	4,000
73611	Travel - Mileage Reimbursement	2,125	911	1,500
73612	Travel - Ground Transportation	1,275	1,210	1,500
73613	Travel - Airfare	5,000	4,648	8,000
73620	Lodging	3,000	1,119	2,500
73630	Meals	1,400	449	1,000
73640	Other Incidentals	2,224	2,696	3,000
73650	Training	1,500	-	2,000
85101	Consulting Labor	460,169	202,277	212,784
90101	Computer Equipment Purchases	3,000	-	2,500
97011	Estimated FY 17/18 Carryover	263,581	-	478,832
Total General Operations		2,445,342	446,915	1,002,291
Overhead Transfer Out				
Transfer Out from Energy to General Fund		350,000	233,333	340,060
Total Expenditures and Transfer Out		3,054,614	823,600	1,702,814

Position	Time Spent
Chief Financial Officer	15%
Director of Energy & Environment	30%
Program Manager - Energy	30%
Program Manager - Fiscal	5%
Program Manager - Energy	30%
Senior Analyst - Energy	30%
Staff Analyst - Energy	30%
Staff Analyst - Energy	40%
Staff Analyst - Energy	30%
Staff Technician - Energy	40%
Staff Technician - Energy	40%
Staff Technician - Call Center	30%
Staff Technician - Call Center	30%
Staff Technician - Call Center	30%
Staff Technician - Call Center	30%
Staff Technician - Call Center	30%



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Program: SCE Partnership - 2010

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Revenues				
40606	SCE WREP Revenue	4,692	77,698	75,000
49002	Fund Balance Carryover	44,000	-	25,000
	Total Revenues	105,692	77,698	100,000
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Expenditures				
Wages and Benefits				
60001	Wages & Salaries	29,240	14,318	28,442
61000	Fringe Benefits	6,178	4,119	4,937
	Total Wages and Benefits	35,418	18,437	33,379
General Operations				
65101	General Legal Services	4,307	6,080	3,000
73102	Parking Validations	200		200
73107	Event Support	16,443	5,437	7,500
73108	General Supplies	1,000	-	1,750
73115	Meeting Support/Services	2,000	376	1,500
73601	Seminars/Conferences	-	-	1,250
73611	Travel - Mileage Reimbursement	1,677	479	1,750
73630	Meals	150	-	150
73650	Training	-	-	500
73703	Supplies/Materials	1,000	-	2,066
	Total General Operations	31,450	32,372	19,666
Overhead Transfer Out				
	Transfer Out from Energy to General Fund	34,568	23,045	34,714
Total Expenditures and Transfer Out		101,436	73,854	87,760

Position	Time Spent
Director of Energy & Environment	1%
Program Manager - Energy	10%
Staff Analyst - Energy	40%



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Program: Gas Co Partnership - 2020

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Revenues				
40605	The Gas Company Partnership	62,000	41,031	50,000
49002	Fund Balance Carryover	35,000	-	24,409
	Total Revenues	97,000	41,031	74,409
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Expenditures				
Wages and Benefits				
60001	Wages & Salaries	29,240	13,216	26,927
61000	Fringe Benefits	6,178	4,119	4,590
	Total Wages and Benefits	35,418	17,334	31,517
General Operations				
65101	General Legal Services	-	-	500
73107	Event Support	8,000	62	2,000
73108	General Supplies	1,000	-	200
73115	Meeting Support/Services	3,500	376	1,000
73116	Postage	103	-	250
73601	Seminars/Conferences	-	-	1,500
73611	Travel - Mileage Reimbursement	1,298	433	1,500
73630	Meals	150	-	150
73703	Supplies/Materials	750	-	3,014
	Total General Operations	26,311	871	10,114
Overhead Transfer Out				
	Transfer Out from Energy to General Fund	34,568	23,045	32,778
Total Expenditures and Transfer Out		96,297	41,251	74,409

Position	Time Spent
Program Manager - Energy	10%
Staff Analyst - Energy	40%



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Program: Regional Streetlight Program - 2026

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Revenues				
40613	Regional Streetlights	276,561	-	228,960
	Total Revenues	276,561	-	228,960
Overhead Transfer In				
	Transfer In from CA HERO to Energy Programs			329,000
	Total Revenues and Transfers In	276,561	-	557,960
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Expenditures				
Wages and Benefits				
60001	Wages & Salaries	33,316	26,705	103,278
61000	Fringe Benefits	9,702	8,888	34,480
	Total Wages and Benefits	43,018	35,594	137,757
General Operations				
65101	General Legal Services	18,547	26,044	21,173
73107	Event Support	4,972	5,968	10,000
73108	General Supplies	-	-	1,000
73109	Computer Supplies	-	-	1,500
73113	Membership Dues	-	-	250
73115	Meeting Support/Services	410	410	2,000
73601	Seminars/Conferences	500	-	500
73611	Travel - Mileage Reimbursement	1,035	1,168	2,500
73630	Meals	176	176	200
73703	Supplies/Materials	500	300	25,000
73704	Newspaper Ads	-	-	15,000
73705	Billboard Ads	-	-	5,000
85101	Consulting Labor	216,275	176,130	191,520
90101	Computer Equipment Purchases	-	-	1,292
	Total General Operations	242,415	210,197	276,935
Overhead Transfer Out				
	Transfer Out from Energy to General Fund	-	-	143,268
	Total Expenditures and Transfer Out	285,433	245,791	557,960

Position

Time Spent

Program Manager - Energy
Staff Analyst - Energy
Staff Analyst - Streetlights
Staff Analyst - Energy

65%
10%
100%
15%



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Program: Community Choice Aggregation - 2040

	Thru 6/30/2017 Budget	2/28/2017 Actual	Proposed 6/30/2018 Budget
Overhead Transfer In			
Transfer In from CA HERO to Energy Programs	247,950	98,032	167,000
Total Revenues and Transfers In	247,950	98,032	167,000

	Thru 6/30/2017 Budget	2/28/2017 Actual	Proposed 6/30/2018 Budget
Expenditures			
Wages and Benefits			
60001 Wages & Salaries	48,191	17,212	177,401
61000 Fringe Benefits	11,909	7,939	37,531
Total Wages and Benefits	60,100	25,151	214,933

General Operations

65101	General Legal Services	35,000	19,252	25,000
73113	Membership Dues	265	265	1,500
73115	Meeting Support/Services	103	103	200
73116	Postage	2	2	5
73601	Seminars/Conferences	-	-	2,500
73611	Travel - Mileage Reimbursement	400	140	500
73612	Travel - Ground Transportation	250	110	150
73613	Travel - Airfare	1,937	1,937	2,504
73630	Meals	200	11	200
73640	Other Incidentals	100	-	858
	Total General Operations	187,849	160,327	33,417

Overhead Transfer Out

Transfer Out from Energy to General Fund	-	-	223,530
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Total Expenditures and Transfer Out

247,949	185,478	471,880
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Position

Director of Energy & Environment
 Director - CCA
 Program Manager - Energy

**Time
Spent**

30%
 100%
 10%



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Program: Energy Admin - 2100

		Thru	Proposed
		6/30/2017	6/30/2018
		Budget	Budget
Overhead Transfer In			
40617	Transfer In from CA HERO to Energy Programs	31,678	49,000
Total Revenues and Transfers In		31,678	49,000
		Thru	Proposed
		6/30/2017	6/30/2018
		Budget	Budget
Expenditures			
Wages and Benefits			
60001	Wages & Salaries	17,989	17,034
61000	Fringe Benefits	4,727	3,801
Total Wages and Benefits		22,716	20,835
General Operations			
65101	General Legal Services	59	60
73107	Event Support	5,357	2,500
73108	General Supplies	-	15
73114	Subscriptions/Publications	175	500
73115	Meeting Support/Services	-	600
73601	Seminars/Conferences	1,000	300
73611	Travel - Mileage Reimbursement	300	250
73613	Travel - Airfare	1,000	500
73650	Training	2,000	1,771
Total General Operations		60,996	6,496
Overhead Transfer Out			
Transfer Out from Energy to General Fund		-	21,669
Total Expenditures and Transfer Out		83,712	49,000

Position	Time Spent
Director of Energy & Environment	5%
Program Manager - Energy	5%
Program Manager - Energy	5%
Staff Analyst - Energy	5%



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Program: Spruce - 2102			
		Thru 6/30/2017 Budget	Proposed 6/30/2018 Budget
Revenues			
40620	Spruce Residential Revenue		167,000
40623	Spruce Residential Recording Revenue		86,000
	Total Revenues	-	253,000
		Thru 6/30/2017 Budget	Proposed 6/30/2018 Budget
Expenditures			
Wages and Benefits			
60001	Wages & Salaries	-	52,276
61000	Fringe Benefits	-	16,472
	Total Wages and Benefits	-	68,747
General Operations			
65101	General Legal Services	-	25,000
73107	Event Support	-	3,200
73108	General Supplies	-	1,500
73109	Computer Supplies	-	1,500
73506	PACE Residential Recording Fees	-	86,000
73611	Travel - Mileage Reimbursement	58	100
73612	Travel - Ground Transportation	-	100
73613	Travel - Airfare	-	3,000
73703	Supplies/Materials	-	1,237
	Total General Operations	58	121,637
Overhead Transfer Out			
	Transfer Out from Energy to General Fund	-	71,497
Total Expenditures and Transfer Out		58	261,882

Position	Time Spent
Director of Energy & Environment	5%
Program Manager - Energy	5%
Program Manager - Energy	10%
Staff Analyst II - Energy	5%
Staff Analyst I - Energy	5%
Staff Analyst I - Energy	10%
Staff Technician - Energy	10%
Staff Technician - Energy	10%
Staff Technician - Call Center	10%
Staff Technician - Call Center	10%
Staff Technician - Call Center	10%
Staff Technician - Call Center	10%
Staff Technician - Call Center	10%



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Program: CA First - 2103			
		Thru 6/30/2017 Budget	Proposed 6/30/2018 Budget
Revenues			
40618	CA First Residential Revenue		167,000
40621	CA First Residential Recording Revenue		86,000
	Total Revenues	-	253,000
		Thru 6/30/2017 Budget	Proposed 6/30/2018 Budget
Expenditures			
Wages and Benefits			
60001	Wages & Salaries	-	52,276
61000	Fringe Benefits	-	16,472
	Total Wages and Benefits	-	68,747
General Operations			
65101	General Legal Services	- 147	25,000
73107	Event Support	-	3,200
73108	General Supplies	-	1,500
73109	Computer Supplies	-	1,500
73506	PACE Residential Recording Fees	-	86,000
73611	Travel - Mileage Reimbursement	- 58	100
73612	Travel - Ground Transportation	- 93	100
73613	Travel - Airfare	- 1,463	3,000
90101	Computer Equipment Purchases	-	1,237
	Total General Operations	- 1,856	121,637
Overhead Transfer Out			
	Transfer Out from Energy to General Fund	-	71,497
Total Expenditures and Transfer Out		- 1,856	261,882

Position	Time Spent
Director of Energy & Environment	5%
Program Manager - Energy	5%
Program Manager - Energy	10%
Senior Analyst - Energy	5%
Staff Analyst - Energy	5%
Staff Analyst - Energy	10%
Staff Technician - Energy	10%
Staff Technician - Energy	10%
Staff Technician - Call Center	10%
Staff Technician - Call Center	10%
Staff Technician - Call Center	10%
Staff Technician - Call Center	10%
Staff Technician - Call Center	10%



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Program: California HERO - 5000

Revenues

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
40603	CA HERO Residential Revenue	7,615,461	4,573,813	7,639,575
40607	SAMAS Commercial Revenue (Statewide)	2,500	7,755	8,000
40610	Renovate Commercial Recording Revenue (Statewide)			350
40612	CA HERO Residential Recording Revenue	1,301,300	919,305	1,508,036
40613	SAMAS Commercial Recording Revenue (Statewide)			350
49002	Fund Balance Carryover	3,200,000	-	4,000,000
	Total Revenues	12,119,261	5,500,874	13,156,311

Expenditures

Wages and Benefits

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
60001	Wages & Salaries	191,547	137,977	418,462
61000	Fringe Benefits	53,479	35,653	128,682
	Total Wages and Benefits	245,026	173,630	547,144

General Operations

65101	General Legal Services	75,000	42,700	100,000
65505	Bank Fees	2,500	10,080	12,000
65507	Commissioners Per Diem	1,950	1,950	2,500
73102	Parking Validations	200	570	800
73107	Event Support	1,500	-	2,000
73108	General Supplies	2,083	2,388	3,000
73109	Computer Supplies	2,000	1,814	2,000
73110	Computer Software	1,000	88	500
73113	Membership Dues	1,000	146	1,000
73115	Meeting Support/Services	800	592	1,000
73116	Postage	2,800	1,409	1,500
73117	Other Household Expenditures	310	1,858	2,000
73118	COG Partnership Agreement	40,000	17,772	25,000
73204	Communications-Cellular	2,000	921	1,000
73405	Insurance - General/Business Liason	595	595	700
73506	PACE Residential Recording Fees	1,301,300	735,257	1,508,036
73601	Seminars/Conferences	2,062	-	3,000
73611	Travel - Mileage Reimbursement	4,250	2,778	3,000
73612	Travel - Ground Transportation	2,125	238	3,000
73613	Travel - Airfare	4,000	-	5,000
73620	Lodging	4,000	518	5,000
73630	Meals	2,000	-	3,000
73640	Other Incidentals	10,000	2,696	5,000
73650	Training	2,500	40	2,500
73703	Supplies/Materials	2,000	-	2,000
85101	Consulting Labor	1,856,880	825,469	1,755,624
85102	Consulting Expenses	220,000	-	2,500
90501	Office Improvements	-	3,276	4,000
97011	Estimated FY 17/18 Carryover	5,037,880	-	3,773,724

97012	BEYOND/GF Projects	-	-	4,400,000
	Total General Operations	8,589,235	1,653,154	11,630,384
	Overhead Transfer Out			
	Transfer Out from Energy to General Fund	250,000	166,667	487,778
	Transfer Out from CA HERO to Energy Programs	-	-	545,000
	Total Expenditures and Transfers Out	9,084,261	1,993,451	13,210,307

Position	Time Spent
Chief Financial Officer	25%
Director of Energy & Environment	24%
Program Manager - Energy	60%
Program Manager - Fiscal	5%
Program Manager - Energy	45%
Senior Analyst - Energy	60%
Staff Analyst - Energy	50%
Staff Analyst - Energy	40%
Staff Analyst - Energy	70%
Staff Technician - Energy	40%
Staff Technician - Energy	40%
Staff Technician - Call Center	50%
Staff Technician - Call Center	50%
Staff Technician - Call Center	50%
Staff Technician - Call Center	50%
Staff Technician - Call Center	50%



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Total Transportation Budget				
		6/30/2017	Thru	Proposed
		Budget	2/28/2017	6/30/2018
			Actual	Budget
Revenues				
40614	Active Transportation Revenue	200,000	50,254	150,000
41402	Air Quality-Clean Cities	139,500	139,250	137,500
41701	LTF	701,300	701,250	825,000
43001	Commercial/Service - Admin Portion	37,074	45,953	101,097
43002	Retail - Admin Portion	142,224	54,031	118,867
43003	Industrial - Admin Portion	128,446	113,242	249,133
43004	Residential/Multi/Single - Admin Portion	1,067,271	475,354	1,045,779
43005	Multi-Family - Admin Portion	224,983	58,994	129,787
43001	Commercial/Service - Non-Admin Portion	889,786	1,103,157	2,426,945
43002	Retail - Non-Admin Portion	3,413,375	1,296,736	2,852,820
43003	Industrial - Non-Admin Portion	3,082,710	2,717,816	5,979,195
43004	Residential/Multi/Single - Non-Admin Portion	25,614,514	11,408,214	25,098,070
43005	Multi-Family - Non-Admin Portion	5,399,595	1,415,859	3,114,890
49002	Fund Balance/Carryover	-	-	400,000
Total Revenues		41,053,778	19,580,109	42,629,082
		6/30/2017	Thru	Proposed
		Budget	2/28/2017	6/30/2018
			Actual	Budget
Expenditures				
Wages and Benefits				
60001	Wages & Salaries	547,830	258,909	438,990
61000	Fringe Benefits	139,807	93,205	99,812
Total Wages and Benefits		687,637	352,114	538,802
General Operations				
65101	General Legal Services	224,924	262,327	177,500
XXXXX	3rd Party Litigation	-	-	250,000
73102	Parking Validations	1,500	1,415	1,500
73104	Staff Recognition	200	94	250
73107	Event Support	46,800	398	3,500
73108	General Supplies	1,350	394	1,350
73109	Computer Supplies	1,000	827	1,000
73110	Computer Software	1,000	139	1,000
73113	Membership Dues	770	670	850
73115	Meeting Support/Services	700	530	1,100
73116	Postage	450	119	450
73117	Other Household Expenditures	213	247	250



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		Total Transportation Budget		
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
73120	Printing Services	9,000	-	5,000
73204	Communications-Cellular	2,500	2,654	4,000
73209	Communications-Web Site	3,100	-	600
73601	Seminars/Conferences	1,673	1,193	2,200
73611	Travel - Mileage Reimbursement	3,060	1,487	3,250
73612	Travel - Ground Transportation	1,020	177	1,000
73613	Travel - Airfare	3,150	-	2,750
73620	Lodging	2,616	1,066	1,950
73630	Meals	3,207	3,269	3,200
73640	Other Incidentals	1,214	1,421	1,950
73703	Supplies/Materials	13,750	-	1,750
73705	Billboard Ads	2,882	-	2,500
85101	Consulting Labor	781,102	256,864	1,400,000
85102	Consulting Expenses	26,500	3,613	60,000
85160	TUMF Project Reimbursement	38,399,980	38,858,094	39,000,000
90101	Computer Equipment Purchases	5,000	1,485	5,000
97011	Estimated FY 17/18 Carryover	-	-	300,000
Total General Operations		39,542,361	39,401,602	41,233,900
Overhead Transfer Out				
Transfer Out from Environmental to General Fund		800,000	533,333	750,000
Total Expenditures and Transfer Out		41,029,998	40,287,050	42,522,702

Position	Time Spent
Director of Transportation	100%
Chief Financial Officer	20%
Program Manager- Transportation	100%
Program Manager - Fiscal	10%
Senior Analyst -TUMF	100%
Staff Analyst - Transportation	100%
Staff Technician - Fiscal	50%



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Program: Transportation Uniform Mitigation Fee

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Revenues				
41701	LTF	701,300	701,250	825,000
43001	Commercial/Service - Admin Portion	37,074	45,953	101,097
43002	Retail - Admin Portion	142,224	54,031	118,867
43003	Industrial - Admin Portion	128,446	113,242	249,133
43004	Residential/Multi/Single - Admin Portion	1,067,271	475,354	1,045,779
43005	Multi-Family - Admin Portion	224,983	58,994	129,787
43001	Commercial/Service - Non-Admin Portion	889,786	1,103,157	2,426,945
43002	Retail - Non-Admin Portion	3,413,375	1,296,736	2,852,820
43003	Industrial - Non-Admin Portion	3,082,710	2,717,816	5,979,195
43004	Residential/Multi/Single - Non-Admin Portion	25,614,514	11,408,214	25,098,070
43005	Multi-Family - Non-Admin Portion	5,399,595	1,415,859	3,114,890
49002	Fund Balance/Carryover	-	-	400,000
Total Revenues		40,701,278	19,390,606	42,341,582

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Expenditures				
Wages and Benefits				
60001	Wages & Salaries	487,653	250,558	385,364
61000	Fringe Benefits	122,551	81,701	89,312
Total Wages and Benefits		610,204	332,259	474,676

General Operations				
65101	General Legal Services	220,519	260,423	175,000
XXXXX	3rd Party Litigation	-	-	250,000
73102	Parking Validations	1,500	1,415	1,500
73104	Staff Recognition	200	94	250
73107	Event Support	300	300	500
73108	General Supplies	1,000	394	1,000
73109	Computer Supplies	1,000	827	1,000
73110	Computer Software	1,000	139	1,000
73113	Membership Dues	670	670	750
73115	Meeting Support/Services	500	248	500
73116	Postage	250	119	250
73117	Other Household Expenditures	213	247	250
73120	Printing Services	7,500	-	5,000
73204	Communications-Cellular	1,500	1,429	2,500
73209	Communications-Web Site	500	-	500

73601	Seminars/Conferences	1,123	1,193	1,500
73611	Travel - Mileage Reimbursement	1,275	1,471	1,500
73612	Travel - Ground Transportation	170	177	250
73613	Travel - Airfare	1,000	-	1,000
73620	Lodging	1,066	1,066	1,000
73630	Meals	2,207	3,269	2,500
73640	Other Incidentals	614	1,421	1,500
73703	Supplies/Materials	250	-	250
73705	Billboard Ads	2,882	-	2,500
85101	Consulting Labor	621,507	252,342	1,200,000
85102	Consulting Expenses	15,000	3,613	50,000
85160	TUMF Project Reimbursement	38,399,980	38,858,094	38,800,000
90101	Computer Equipment Purchases	5,000	1,485	5,000
97011	Estimated FY 17/18 Carryover	-	-	300,000
Total General Operations		39,292,226	39,393,554	40,807,000

Overhead Transfer Out

Transfer Out from Environmental to General Fund

770,000	513,333	750,000
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Total Expenditures and Transfer Out

40,672,430	40,239,146	42,031,676
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Position	Time Spent
Director of Transportation	85%
Chief Financial Officer	20%
Program Manager- Transportation	75%
Program Manager - Fiscal	10%
Staff Analyst II -TUMF	100%
Staff Analyst I - Transportation	100%
Staff Technician - Fiscal*	50%



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Program: Active Transportation Plan

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Revenues				
40614	Active Transportation Revenue	200,000	50,254	150,000
	Total Revenues	200,000	50,254	150,000
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Expenditures				
Wages and Benefits				
60001	Wages & Salaries	28,318	94	19,741
61000	Fringe Benefits	6,989	4,659	3,970
	Total Wages and Benefits	35,307	4,754	23,711
General Operations				
65101	General Legal Services	1,905	1,905	2,500
85101	Consulting Labor	158,095	4,522	125,000
85102	Consulting Expenses	10,000	-	5,000
	Total General Operations	170,000	6,427	132,500
Total Expenditures		205,307	11,180	156,211

Position	Time Spent
Director of Transportation	5%
Program Manager- Transportation	10%



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Program: Clean Cities - 1010-01 AB 2766 1010-01

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Revenues				
41402	Air Quality-Clean Cities	100,000	100,900	100,000
	Total Revenues	113,000	100,900	100,000
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Expenditures				
Wages and Benefits				
60001	Wages & Salaries	21,854	8,257	14,144
61000	Fringe Benefits	6,861	4,574	2,560
	Total Wages and Benefits	28,715	12,831	16,704
General Operations				
73107	Event Support	40,000	98	2,500
73108	General Supplies	100	-	100
73113	Membership Dues	100	-	100
73115	Meeting Support/Services	100	283	500
73116	Postage	100	-	100
73204	Communications-Cellular	1,000	1,225	1,500
73611	Travel - Mileage Reimbursement	1,275	16	1,500
73612	Travel - Ground Transportation	425	-	500
73613	Travel - Airfare	750	-	750
73620	Lodging	600	-	500
73630	Meals	250	-	250
73640	Other Incidentals	250	-	250
73703	Supplies/Materials	3,500	-	500
85101	Consulting Labor	1,500	-	75,000
85102	Consulting Expenses	1,500	-	5,000
	Total General Operations	78,400	14,955	89,050
Total Expenditures		107,115	27,786	105,754

Position	Time Spent
Director of Transportation	5%
Program Manager- Transportation	5%



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Program: Clean Cities - 1010-01a Clean Cities Remaining Dues (Non-AB 2766) 1010-002

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Revenues				
41402	Air Quality-Clean Cities	27,000	27,100	25,000
	Total Revenues	27,000	27,100	25,000
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Expenditures				
Wages and Benefits				
60001	Wages & Salaries	5,888	-	14,144
61000	Fringe Benefits	2,092	1,395	2,560
	Total Wages and Benefits	7,980	1,395	16,704
General Operations				
73108	General Supplies	250	-	250
73115	Meeting Support/Services	100	-	100
73116	Postage	100	-	100
73209	Communications-Web Site	100	-	100
73601	Seminars/Conferences	200	-	200
73703	Supplies/Materials	8,000		500
	Total General Operations	21,610	3,667	1,250
Total Expenditures		29,590	5,061	17,954

Position	Time Spent
Director of Transportation	5%
Program Manager- Transportation	5%



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Program: Clean Cities - 1010-01b DOE Contract P-1010-03

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Revenues				
41402	Air Quality-Clean Cities	12,500	11,250	12,500
	Total Revenues	12,500	11,250	12,500
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Expenditures				
Wages and Benefits				
60001	Wages & Salaries	4,117	-	5,598
61000	Fringe Benefits	1,314	876	1,409
	Total Wages and Benefits	5,431	876	7,007
General Operations				
73107	Event Support	1,000	-	500
73601	Seminars/Conferences	100	-	500
73611	Travel - Mileage Reimbursement	170	-	250
73612	Travel - Ground Transportation	255	-	250
73613	Travel - Airfare	1,000	-	1,000
73620	Lodging	450	-	450
73630	Meals	450	-	450
73640	Other Incidentals	200	-	200
73703	Supplies/Materials	2,000	-	500
	Total General Operations	10,125	3,000	4,100
Total Expenditures		15,556	3,876	11,107

Position	Time Spent
Program Manager- Transportation	5%



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Total Environment Budget				
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Revenues				
41201	Solid Waste	107,915	98,415	117,100
41401	Used Oil Revenue	265,227	240,227	255,000
Total Revenues		373,142	338,642	372,100
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Expenditures				
Wages and Benefits				
60001	Wages & Salaries	54,584	61,930	114,234
61000	Fringe Benefits	13,182	2,369	27,555
Total Wages and Benefits		67,766	64,299	141,788
General Operations				
65101	General Legal Services	-	1,817	500
73102	Parking Validations	-	80	195
73104	Staff Recognition	-	-	160
73106	Coffee and Supplies	-	-	200
73107	Event Support	33,632	24,341	43,021
73108	General Supplies	1,900	303	2,500
73111	Rent/Lease Equipment	-	243	100
73113	Membership Dues	1,500	-	1,000
73115	Meeting Support/Services	4,538	665	4,600
73116	Postage	-	-	630
73119	Storage	16,000	-	10,000
73120	Printing Services	13,000	-	11,900

73209	Communications-Web Site	-	-	1,000
73405	Insurance - General/Business Liason	175	175	200
73601	Seminars/Conferences	1,800	-	2,000
73611	Travel - Mileage Reimbursement	2,773	1,814	3,000
73612	Travel - Ground Transportation	255	99	400
73613	Travel - Airfare	950	189	1,000
73620	Lodging	1,200	219	1,269
73630	Meals	200	6	200
73650	Training	600	-	1,800
73703	Supplies/Materials	18,200	-	30,620
73704	Newspaper Ads	15,000	-	4,000
73705	Billboard Ads	-	-	3,000
73706	Radio & TV Ads	42,353	41,133	51,571
85101	Consulting Labor	6,000	-	10,365
90101	Computer Equipment Purchases	-	-	2,500
	Total General Operations	160,176	71,171	187,731
Overhead Transfer Out				
	Transfer Out from Environmental to General Fund	46,500	31,000	42,580
	Total Expenditures and Transfer Out	274,442	166,469	372,099

Position	Time Spent
Staff Analyst I - Environment	100%
<i>Staff Analyst I - Environment*</i>	<i>100%</i>

*To be determined if position will be filled.



Western Riverside Council of Governments
Annual Budget
For the Year Ending June 30, 2018

DRAFT 5/10/17

Program: Solid Waste - 1038				
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Revenues				
41201	Solid Waste	93,415	93,415	94,000
	Total Revenues	93,415	93,415	94,000
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Expenditures				
Wages and Benefits				
60001	Wages & Salaries	7,988	21,936	42,360
61000	Fringe Benefits	-	-	7,291
	Total Wages and Benefits	7,988	21,936	49,651
General Operations				
65101	General Legal Services	-	-	500
73102	Parking Validations	-	-	100
73107	Event Support	4,192	24	8,000
73108	General Supplies	400	228	1,000
73115	Meeting Support/Services	1,538	665	1,600
73116	Postage	-	-	500
73120	Printing Services	1,000	-	1,000
73209	Communications-Web Site	-	-	1,000
73601	Seminars/Conferences	800	-	1,000
73611	Travel - Mileage Reimbursement	213	430	600
73612	Travel - Ground Transportation	170	-	300
73613	Travel - Airfare	350	-	400
73620	Lodging	400	-	469
73650	Training	600	-	1,800
73703	Supplies/Materials	2,000	-	6,500
90101	Computer Equipment Purchases	-	-	2,500
	Total General Operations	11,663	1,434	27,269
Overhead Transfer Out				
	Transfer Out from Environmental to General Fund	21,500	14,333	17,080
Total Expenditures and Transfer Out		41,151	37,704	94,000

Position	Time Spent
Staff Analyst I - Environment	50%
Staff Analyst I - Environment*	15%

*To be determined if position will be filled.



Western Riverside Council of Governments
Annual Budget
For the Year Ending June 30, 2018

DRAFT 5/10/17

Program: Used Oil Block OPP6 - 2032

		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Revenues				
41401	Used Oil Revenue	240,227	240,227	230,000
	Total Revenues	240,227	240,227	230,000
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Expenditures				
Wages and Benefits				
60001	Wages & Salaries	27,230	19,301	49,027
61000	Fringe Benefits	11,720	1,421	14,753
	Total Wages and Benefits	38,950	20,723	63,780
General Operations				
73102	Parking Validations	-	80	95
73104	Staff Recognition	-	-	160
73106	Coffee and Supplies	-	-	200
73107	Event Support	28,000	23,065	30,000
73108	General Supplies	1,500	74	1,500
73113	Membership Dues	1,500	-	1,000
73115	Meeting Support/Services	3,000	-	3,000
73119	Storage	16,000	-	10,000
73120	Printing Services	12,000	-	10,000
73405	Insurance - General/Business Liason	175	175	200
73601	Seminars/Conferences	1,000	-	1,000
73611	Travel - Mileage Reimbursement	2,500	1,126	2,000
73612	Travel - Ground Transportation	85	99	100
73613	Travel - Airfare	600	189	600
73620	Lodging	800	219	800
73630	Meals	200	6	200
73703	Supplies/Materials	15,000	-	20,000
73704	Newspaper Ads	15,000	-	4,000
73705	Billboard Ads	-	-	3,000
73706	Radio & TV Ads	42,353	41,133	45,000
85101	Consulting Labor	6,000	-	10,365
	Total General Operations	145,813	67,045	143,220
Overhead Transfer Out				
	Transfer Out from Environmental to General Fund	25,000	16,667	23,000
Total Expenditures and Transfer Out		209,763	104,434	230,000

Position	Time Spent
Staff Analyst I - Environment	30%
Staff Analyst I - Environment*	65%

*To be determined if position will be filled.



Western Riverside Council of Governments
Annual Budget
For the Year Ending June 30, 2018

DRAFT 5/10/17

Program: Litter Program				
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Revenues				
41201	Solid Waste	14,500	5,000	23,100
	Total Revenues	14,500	5,000	23,100
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
Expenditures				
Wages and Benefits				
60001	Wages & Salaries	10,246	5,423	12,919
61000	Fringe Benefits	1,421	947	2,280
	Total Wages and Benefits	11,667	6,370	15,199
General Operations				
73107	Event Support	1,440	28	1,500
73116	Postage	-	-	130
73120	Printing Services	-	-	900
73611	Travel - Mileage Reimbursement	60	259	300
73703	Supplies/Materials	1,200	-	2,000
73706	Radio & TV Ads	-	-	3,071
	Total General Operations	2,700	287	7,901
Total Expenditures		14,367	6,657	23,100

Position	Time Spent
Staff Analyst I - Environment	15%
Staff Analyst I - Environment*	5%

*To be determined if position will be filled.



Western Riverside Council of Governments
Annual Budget
For the Year Ending June 30, 2018

DRAFT 5/10/17

Program: <i>Riverside Used Oil</i>				
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
	Revenues			
41401	Used Oil Revenue	-	-	25,000
	Total Revenues	-	-	25,000
		6/30/2017 Budget	Thru 2/28/2017 Actual	Proposed 6/30/2018 Budget
	Expenditures			
	Wages and Benefits			
60001	Wages & Salaries	-	-	9,928
61000	Fringe Benefits	-	-	3,231
	Total Wages and Benefits	-	-	13,159
	General Operations			
63000	Overhead Allocation			
73107	Event Support	-	-	3,521
73111	Rent/Lease Equipment	-	-	100
73611	Travel - Mileage Reimbursement	-	-	100
73703	Supplies/Materials	-	-	2,120
73706	Radio & TV Ads	-	-	3,500
	Total General Operations	-	-	9,341
	Overhead Transfer Out			
	Transfer Out from Environmental to General Fund	-	-	2,500
	Total Expenditures and Transfer Out	-	-	25,000

Position	Time Spent
Staff Analyst I - Environment	5%
Staff Analyst I - Environment*	15%

*To be determined if position will be filled.



Western Riverside Council of Governments Executive Committee

Staff Report

Subject: Transportation Uniform Mitigation Fee (TUMF) Calculation Handbook Update

Contact: Christopher Gray, Director of Transportation, gray@wrcog.coq.ca.us, (951) 955-8304

Date: June 5, 2017

The purpose of this item is to provide an update to the Committee members on the TUMF Calculation Handbook to include a component for Active Senior Living developments.

Requested Action:

1. Approve the Active Senior Living component for inclusion in the TUMF Calculation Handbook.

WRCOG's Transportation Uniform Mitigation Fee (TUMF) Program is a regional fee program designed to provide transportation and transit infrastructure that mitigates the impact of new growth in Western Riverside County. Each of WRCOG's member jurisdictions and the March JPA participates in the Program through an adopted ordinance, collects fees from new development, and remits the fees to WRCOG. WRCOG, as administrator of the TUMF Program, allocates TUMF to the Riverside County Transportation Commission (RCTC), groupings of jurisdictions – referred to as TUMF Zones – based on the amounts of fees collected in these groups, and the Riverside Transit Agency (RTA).

The TUMF Fee Calculation Handbook details the methodology for calculating the TUMF obligation for different categories of new development and, where necessary, to clarify the definition and calculation methodology for uses not clearly defined in the respective TUMF ordinances.

Background

During the development of the TUMF Program, it was realized that certain land uses require special attention regarding the assessment / calculation of TUMF because of unique, site-specific characteristics. To address these special uses / circumstances, WRCOG developed a Fee Calculation Handbook to detail the methodology for calculating TUMF obligations for different categories of new development and, where necessary, to clarify the definition and calculation methodology for such uses. The fee calculations provide step-by-step work sheets on how fees are calculated for unique uses such as auto dealerships, fueling stations and high cube warehouses. The last update to the Fee Calculation Handbook occurred in October 2015, which included a revision to the government / public exemption language.

Currently, the TUMF Calculation Handbook does not have a designated component for Active Senior Living developments. WRCOG staff has discussed this with the Public Works Committee members and has received several requests from stakeholders regarding the potential for this type of land use to be included in the TUMF Calculation Handbook. Staff, in consultation with TUMF consultant, has prepared a draft component for inclusion in the TUMF Calculation Handbook, which acknowledges the reduced trip generation from this type of development than the standard residential land use category. The approach developed is as follows:

Senior adult housing (also commonly referred to as “active senior living”) is generally defined in the Trip Generation 9th Edition (Institute of Traffic Engineers, 2012) as attached and/or detached housing units in independent living developments, including retirement communities, age-restricted housing, and active adult communities, that may include amenities such as golf courses, swimming pools, 24-hour security, transportation, and common recreational facilities, but generally lack centralized dining and on-site health facilities. Residents in active senior living communities live independently and are typically active (requiring little to no medical supervision), which differs from congregate care facilities (including senior assisted living facilities) and nursing homes that are specific types of group quarters (as described in **Section 5.3**) whose primary function is to provide care for elderly persons or other persons who are unable to adequately care for themselves.

Both detached and attached senior adult housing are typically built in higher density sole purpose developments with age restrictions or limitations on residents. As such, active senior living housing units typically demonstrate trip generation rates significantly below those of standard single-family and multi-family residential unit developments. Furthermore, according to Trip Generation 9th Edition, the trip generation rates for detached and attached dwelling units in active senior housing units are very similar, and more closely reflect the trip generation rates of multi-family dwelling units.

For the purpose of determining the TUMF obligation, all dwelling units in eligible active senior living developments (both detached and attached), regardless of density, will be considered multi-family dwelling units. The methodology outlined in **Worksheet A.1.3** and described as follows will be applied to determine the equivalent number of multi-family dwelling units for all types of active senior living dwelling units.

1. Complete the active senior living qualification checklist and provide the required supporting documentation pursuant to Cal. Civ. Code § 51.11 and Cal. Bus. & Prof. Code § 11010.05 [2016].
2. Multiply the total number of eligible active senior living dwelling units (both detached and attached) by 0.53 to determine the equivalent number of multi-family dwelling units (*i.e. for the example facility it is $413 \times 0.53 = 218.9$ equivalent multi-family dwelling units*).
3. Use the resultant value as the number of multi-family dwelling units to calculate the TUMF obligation using **Worksheet A.1.1** for standard residential fee calculations.

Worksheet A.1.3 Active Senior Living TUMF Calculation Worksheet

1. Active Senior Living Characteristics Checklist

- ☐ **Minimum number of 20 dwelling units in community**
Submit Site Plan indicating the total number of associated dwelling units spaces
- ☐ **Local zoning and/or governing documents**
Submit local zoning and/or governing documents characterizing development as senior citizen housing (active senior living) pursuant to Cal. Civ. Code § 51.11
- ☐ **Occupancy restriction statement**
Submit Public Report with statement of occupancy restrictions pursuant to Cal. Bus. & Prof. Code § 11010.05 [2016]

2. Active Senior Living TUMF Calculation

X 0.53 =

Enter Total Number of Active Senior
Living Dwelling Units (both detached
and attached)

Prior Actions:

May 11, 2017: The Public Works Committee received report.
May 11, 2017: The Planning Directors' Committee received report.

Fiscal Impact:

Transportation Department activities are included in the Agency's adopted Fiscal Year 2016/2017 Budget under the Transportation Department.

Attachment:

1. Active Senior Living summary.

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Item 4.E

Transportation Uniform Mitigation
Fee (TUMF) Calculation Handbook
Update

Attachment 1

Active Senior Living summary

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1.1. Active Senior Living

1.1.1. Summary

Senior adult housing (also commonly referred to as “active senior living”) is generally defined in the Trip Generation 9th Edition (Institute of Traffic Engineers, 2012) as detached and/or detached housing units in independent living developments, including retirement communities, age-restricted housing and active adult communities, that may include amenities such as golf courses, swimming pools, 24-hour security, transportation, and common recreational facilities, but generally lack centralized dining and on-site health facilities. Residents in active senior living communities live independently and are typically active (requiring little to no medical supervision), which differs from congregate care facilities (including senior assisted living facilities) and nursing homes that are specific types of group quarters (as described in **Section 5.3**) whose primary function is to provide care for elderly persons or other persons who are unable to adequately care for themselves.

Both detached and attached senior adult housing are typically built in higher density sole purpose developments with age restrictions or limitations on residents. As such, active senior living housing units typically demonstrate trip generation rates significantly below those of standard single-family and multi-family residential unit developments. Furthermore, according to Trip Generation 9th Edition, the trip generation rates for detached and attached dwelling units in active senior housing units are very similar, and more closely reflect the trip generation rates of multi-family dwelling units. For this reason, all dwelling units in eligible active senior living developments (both detached and attached) regardless of density are considered multi-family dwelling units for the purpose of calculating the applicable TUMF obligation.

For the purpose of determining the TUMF obligation, all dwelling units in eligible active senior living developments (both detached and attached) regardless of density will be considered multi-family dwelling units. The methodology outlined in **Worksheet A.1.3** and described as follows will be applied to determine the equivalent number of multi-family dwelling units for all types of active senior living dwelling units.

1. Complete the active senior living qualification checklist and provide the required supporting documentation pursuant to Cal. Civ. Code § 51.11 and Cal. Bus. & Prof. Code § 11010.05 [2016].
2. Multiply the total number of eligible active senior living dwelling units (both detached and attached) by 0.53 to determine the equivalent number of multi-family dwelling units
(i.e. for the example facility it is $413 \times 0.53 = 218.9$ equivalent multi-family dwelling units)
3. Use the resultant value as the number of multi-family dwelling units to calculate the TUMF obligation using **Worksheet A.1.1** for standard residential fee calculations.

1.1.2. Detailed Narrative

Trip Generation 9th Edition (Institute of Traffic Engineers, 2012) includes two separate definitions for senior adult housing (commonly referred to as “active senior living”). Detached senior adult housing is defined as “detached independent living developments, including retirement communities, age-restricted housing and active adult communities. These developments may include amenities such as golf courses, swimming pools 24-hour security, transportation, and common recreational facilities. However, they generally lack centralized dining and on-site health facilities. Detached senior communities may or may not be gated.” Attached senior adult housing is similar to detached senior housing, “except they contain apartment-like residential units. Attached senior adult housing may include limited social and recreational services, but typically lacks centralized dining or medical facilities.” In both types of active senior living dwelling units, residents “live independently and are typically active (requiring little to no medical supervision)”, which differs from congregate care facilities (including senior assisted living facilities) and nursing homes that are specific types of group quarters (as described in **Section 5.3**) whose primary function is to provide care for elderly persons or other persons who are unable to adequately care for themselves.

Both detached and attached senior adult housing are typically built in higher density sole purpose developments with age restrictions or limitations on residents. As shown in **Table 4.3**, active senior living housing units typically demonstrate trip generation rates significantly below those of standard single-family and multi-family residential unit developments. Furthermore, according to Trip Generation 9th Edition, the trip generation rates for detached and attached dwelling units in active senior housing units are very similar, and more closely reflect the trip generation rates of multi-family dwelling units. For this reason, all dwelling units in eligible active senior living developments (both detached and attached) regardless of density are considered multi-family dwelling units for the purpose of calculating the applicable TUMF obligation.

Section 51.11 of the California Civil Code (Cal. Civ. Code § 51.11) defines a senior citizen housing development specifically in Riverside County as “a residential development developed with more than 20 units as a senior community by its developer and zoned as a senior community by a local governmental entity, or characterized as a senior community in its governing documents.” Additionally, Section 11010.05 of the 2016 California Business and Professions Code (Cal. Bus. & Prof. Code § 11010.05 [2016]) elaborates that any “person who proposes to create a senior citizen housing development, as defined in Section 51.3 or 51.11 of the Civil Code, shall include in the application for a public report a complete statement of the restrictions on occupancy that are to be applicable in the development. Any public report issued for a senior housing development shall also include a complete statement of the restrictions on occupancy to be applicable in the development.” To demonstrate a development qualifies as active senior living for the purposes of determining the TUMF obligation, applicants will be required to provide copies of local government zoning and/or governing documents, and the public report statement developed pursuant to Cal. Civ. Code § 51.11 and Cal. Bus. & Prof. Code § 11010.05 [2016], respectively.

In accordance with Section 6.1 and Appendix B of the Transportation Uniform Mitigation Fee Nexus Study 2009 Update Final Report (Western Riverside Council of Governments, As Amended September 12, 2011), and as discussed previously, both detached and attached senior adult housing, regardless of density, will be considered to be multi-family dwelling units for the purpose of calculating the applicable TUMF obligation. The TUMF obligation for multi-family (and all residential) land uses is based on the total number of dwelling units associated with the specific development and is calculated using **Worksheet A.1.1** for standard residential fee calculations. However, in the case of active senior living communities, vehicle trips generated to and from the site are typically lower than standard residential uses due to the age of the residents (who are typically retired from full time employment) and the provision of various ancillary recreational and entertainment amenities within the community. For this reason, it is necessary to determine the multi-family dwelling unit equivalency for the purpose of calculating the TUMF obligation.

A review of Trip Generation 9th Edition indicates the weekday average daily vehicle trip generation rate for detached senior adult housing is 3.68 trips per dwelling unit, while the rate for attached senior adult housing is 3.44 trips per dwelling unit (an average of 3.56 daily trips per dwelling unit). By comparison, standard multi-family uses have a weekday daily trip generation rate of 6.72 trips per dwelling unit. **Table 4.3** summarizes the various characteristics of senior active living, including trip generation rates, and establishes the equivalent multi-family dwelling units for the purpose of calculating the TUMF obligation for all senior active living dwelling units.

Table 4.3 – Characteristics of Senior Adult Housing in Active Senior Living Developments			
<i>Land Use Type (ITE Code)</i>	<i>Average Number of Dwelling Units</i>	<i>Average Daily Vehicle Trips per Dwelling Unit</i>	<i>TUMF Weighted Equivalent Multi-family Dwelling Unit*</i>
<i>Senior Adult Housing - Detached (251)</i>	780	3.68	
<i>Senior Adult Housing - Attached (252)</i>	46	3.44	0.53
<i>Median All TUMF Multi- Family Use Types</i>		6.72	

Source: Trip Generation 9th Edition, Institute of Traffic Engineers, 2012

Note: * - TUMF weighted equivalent multi-family dwelling units based on relative trip generation per dwelling unit for adult senior living and all TUMF multi-family use types.

The multi-family dwelling unit equivalency for active senior living dwelling units is based on the comparison of average daily trip generation characteristics for detached and attached senior adult housing as defined in the Trip Generation Manual in terms of trips per dwelling unit, and the median trip generation rate for all TUMF multi-family dwelling unit types. Based on this information, each active senior housing dwelling unit represents the equivalent of 0.53 multi-family dwelling units in terms of the relative trip generation rate.

For the purpose of calculating the TUMF obligation for *all types of qualifying active senior living dwelling units*, the total number of qualifying dwelling units in the development will be multiplied by 0.53 to determine the equivalent number of multi-family dwelling units. *The equivalent multi-family dwelling units will be used for the purpose of calculating the TUMF* at the rate prescribed by the respective local jurisdictions TUMF Ordinance and supported by the TUMF Nexus Study.

Application of this methodology will account for variations in the trip generation rates of senior active living dwelling units and standard multi-family dwelling units. For example, an average active senior living community with 413 detached and/or attached dwelling units would have the equivalent of 218.9 multi-family dwelling units (413×0.53).

Community facilities, including, but not limited to, recreation rooms, swimming pools, laundry facilities, security gatehouses, storage rooms, garages and maintenance buildings, that are provided for the sole and exclusive use of community residents (and their permitted guests) are considered to be ancillary to the primary multi-family residential land use of active senior living developments, and through their availability contribute to the lower trip generation rates observed. The development or expansion of these types of ancillary community facilities would not require separate payment of TUMF fees. However, the development of non-residential retail, service or industrial facilities (including, but not limited to, convenience markets, club houses, management offices and sales offices) that are developed conjunction with an active senior living community but are not limited to the sole and exclusive use of community residents (and their guests) and are available for use by or accessible to the general public would be considered as separate land uses and would require payment of the TUMF fee in accordance with Section 6.2 of the Nexus Study and the provisions of the respective local TUMF Ordinance.

A.1 Fee Calculation Worksheets for Residential Use Types

Worksheet A.1.3 Active Senior Living TUMF Calculation Worksheet

1. Active Senior Living Characteristics Checklist

- ☐ **Minimum number of 20 dwelling units in community**
Submit Site Plan indicating the total number of associated dwelling units
- ☐ **Local zoning and/or governing documents**
Submit local zoning and/or governing documents characterizing development as senior citizen housing (active senior living) pursuant to Cal. Civ. Code § 51.11
- ☐ **Occupancy restriction statement**
Submit Public Report with statement of occupancy restrictions pursuant to Cal. Bus. & Prof. Code § 11010.05 [2016]

2. Active Senior Living TUMF Calculation

	X	0.53	=	
Enter Total Number of Active Senior Living Dwelling Units (both detached and attached)				Enter this value as (part of) the <u>Total</u> <u>Number of Multi-Family Dwelling Units</u> in Worksheet A.1.1

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Western Riverside Council of Governments Executive Committee

Staff Report

Subject: TUMF Reimbursement Agreements and Transportation Improvement Program Update

Contact: Christopher Gray, Director of Transportation, gray@wrcog.coq.ca.us, (951) 955-8304

Date: June 5, 2017

The purpose of this item is to approve the 2017 5-Year Transportation Improvement Program (TIP) for the Central Zone and approve two Reimbursement Agreements for TUMF Projects.

Requested Actions:

1. Approve the 2017 5-Year Transportation Improvement Program for the Central Zone.
2. Authorize the Executive Director to execute a TUMF Reimbursement Agreement with the City of Perris for the Perris Boulevard Widening Project in an amount not to exceed \$4,327,570.
3. Authorize the Executive Director to execute a TUMF Reimbursement Agreement with the City of Jurupa Valley for the Limonite Avenue Widening Project in an amount not to exceed \$658,000.

WRCOG's Transportation Uniform Mitigation Fee (TUMF) Program is a regional fee program designed to provide transportation and transit infrastructure that mitigates the impact of new growth in Western Riverside County. Each of WRCOG's member jurisdictions and the March JPA participates in the Program through an adopted ordinance, collects fees from new development, and remits the fees to WRCOG. WRCOG, as administrator of the TUMF Program, allocates TUMF to the Riverside County Transportation Commission (RCTC), groupings of jurisdictions – referred to as TUMF Zones – based on the amounts of fees collected in these groups, and the Riverside Transit Agency (RTA).

2017 TUMF Zone Transportation Improvement Program (TIP) Update

The Zone TIP updates provide an opportunity for member jurisdictions to revise any aspect of the 5-Year TIPs, including the addition of new projects. In fall 2016, WRCOG staff completed the following: year-end close of the fiscal year; determined the carryover from Fiscal Year (FY) 2015/2016 to FY 2016/2017; prepared a 5-year revenue forecast through FY 2020/2021; and distributed project worksheets and draft Zone TIPs to all members. Staff received all of the revised worksheets by the due date and prepared the Draft 2017 TIP based on the requests submitted. The Executive Committee approved four of the five Zone TIPs in March. The Zone actions are as follows:

Central Zone: The Zone TAC met on October 24, 2016, and approved its 5-year program of projects to be presented to the Zone Committee. The Central Zone Committee met on April 3, 2017, and approved its proposed TIP and revenue forecast. There are 13 jurisdiction projects and three developer reimbursement projects for a total of 16 projects on the proposed 2017 5-Year TIP, totaling \$43 million, programmed over the next five years.

TUMF Reimbursement Agreements

Two Reimbursement Agreements for TUMF projects are being forwarded to the Executive Committee for consideration, and are summarized below.

City of Perris (one agreement):

1. Perris Boulevard Widening Project in the amount of \$4,327,570:

The project will widen Perris Boulevard, between I-215 and Case Road, from two to four lanes. The one-mile widening project is expected to be completed in phases and will include curb, gutter, and sidewalk. This Reimbursement Agreement is for the right-of-way and construction phases and the total project is expected to be completed in spring 2018.

City of Jurupa Valley (one agreement):

1. Limonite Avenue Widening Project in the amount of \$658,000:

The project will widen Limonite Avenue, between Etiwanda Avenue and Bain Street, from two to four lanes. The one-mile widening project under construction and is expected to be completed by July 2017. This Reimbursement Agreement is for the construction phase of the project.

Prior Actions:

<u>May 11, 2017:</u>	The Public Works Committee received report.
<u>May 11, 2017:</u>	The Planning Directors' Committee received report.

Fiscal Impact:

Transportation Department activities are included in the Agency's adopted Fiscal Year 2016/2017 Budget under the Transportation Department.

Attachments:

1. 2017 Central Zone 5-Year TIP.
2. Reimbursement Agreement with the City of Perris for the Perris Boulevard Widening Project.
3. Reimbursement Agreement with the City of Jurupa Valley for the Limonite Avenue Widening Project.

Item 4.F

TUMF Reimbursement Agreements
and Transportation Improvement
Program Update

Attachment 1

2017 Central Zone 5-Year TIP

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2017 Central Zone 5-Year Transportation Improvement Program

Fiscal Year	FY16-17	FY17-18	FY18-19	FY19-20	FY20-21	Current Programmed Phase Balance	Total Phase Payments/ Expenditures	Original Programmed Phase Cost
Forecast Revenues								
Carryover Revenues (As of 6/30/2016)	\$ 5,000,000	\$ 5,100,000	\$ 5,202,000	\$ 5,306,040	\$ 5,412,161	\$ 43,012,855	\$ (23,389,711)	\$ 73,166,066
	\$ 17,000,000	\$ 2,491,482	\$ 87,145	\$ (60,855)	\$ 345,185			
	\$ -							
	\$ 22,000,000	\$ 7,591,482	\$ 5,289,145	\$ 5,245,185	\$ 5,757,346			
Available Revenue						\$ 36,589,874	\$ 23,026,953	\$ 13,562,921
Programmed Expenditures								
County of Riverside								
06-CN-RCY-1103	PA&ED	1,320,741	833,334	-	-	2,154,075	(259,263)	2,413,338
City of Menifee/County of Riverside								
05-CN-RCY-1004	PA&ED	0	-	-	-	0	(2,573,829)	2,573,829
	CON	2,037,356	-	-	-	2,037,356	(3,667,484)	5,704,840
City of Menifee								
16-CN-MEN-1178	CON	5,593,600	2,806,400	1,600,000	2,000,000	3,000,000	-	15,000,000
City of Moreno Valley								
05-CN-MOR-1012	PA&ED	0	-	-	-	-	(500,000)	500,000
	ENG	1,172,978	-	-	-	1,172,978	(2,459,502)	3,632,480
	ROW	-	-	-	-	-	(5,626,000)	5,626,000
	CON	-	-	-	-	-	(3,500,000)	3,500,000
105-CN-MOR-1013	PA&ED	-	-	-	-	-	(500,000)	500,000
	ENG	-	-	-	-	-	(1,381,451)	1,381,451
	ROW	-	-	-	-	-	(60,500)	60,500
	CON	3,634,500	1,000,000	1,000,000	1,000,000	1,000,000	7,634,500	(1,133,500)
City of Perris								
05-CN-PER-1015	PA&ED	(0)	-	-	-	(0)	(64,429)	64,429
	ENG	20,000	-	-	-	20,000	(86,059)	106,059
	CON	0	-	-	-	0	(1,277,181)	1,277,181
13-CN-PER-1164	STD	15,000	-	-	-	15,000	(135,000)	150,000
	PLN	627,570	-	-	-	627,570	-	627,570
	CON	800,000	750,000	750,000	400,000	1,000,000	3,700,000	-
13-CN-PER-1173	PA&ED	100,480	-	-	-	100,480	-	100,480
16-CN-PER-1177	CON	1,300,000	364,603	-	-	1,664,603	-	1,664,603
05-CN-PER-1019	PA&ED	452,489	-	-	-	452,489	(47,317)	499,806
	CON	-	500,000	1,000,000	750,000	3,000,000	-	4,300,000
City of Perris/City of Menifee								
05-CN-PER-1001	STD	PA&ED	411,804	-	-	411,804	(88,196)	500,000
	PLN	CON	-	1,250,000	1,000,000	750,000	3,000,000	6,000,000
1 Nason/SR-60 CON funding in FY16/17, FY17/18, FY18/19, FY19/20, and FY20/21 are illustrative only and not actual commitment.								



2017 Central Zone 5-Year Transportation Improvement Program

Fiscal Year	FY16-17	FY17-18	FY18-19	FY19-20	FY20-21	Current Programmed Phase Balance	Total Phase Payments/ Expenditures	Original Programmed Phase Cost
Forecast Revenues	\$ 5,000,000	\$ 5,100,000	\$ 5,202,000	\$ 5,306,040	\$ 5,412,161	\$ 43,012,855	\$ (23,389,711)	\$ 73,166,066
Carryover Revenues (As of 6/30/2016)	\$ 17,000,000	\$ 2,491,482	\$ 87,145	\$ (60,855)	\$ 345,185	TIP Adopted January 2016		
	\$ -					5-Year Avail Forecast/Cash	5-Year Programmed	5-Year Balance
Available Revenue	\$ 22,000,000	\$ 7,591,482	\$ 5,289,145	\$ 5,245,185	\$ 5,757,346	\$ 36,589,874	\$ 23,026,953	\$ 13,562,921
Programmed Expenditures, continued								
City of Moreno Valley/ March JPA								
16-CN-JPA-1178 Heacock Street, Gentian Way to Iris Avenue (0.510 mi. 2 to 4 lanes)	PLN	CON	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,100,000
16-CN-MOR-1179 Heacock Street, San Michele Road to Harley Knox Boulevard (0.74 mi. 2 to 4 lanes)	PLN	ENG	\$ -	\$ -	\$ -	\$ 611,000	\$ -	\$ 611,000
Developer Reimbursements***	PLN	ROW	\$ -	\$ -	\$ -	\$ 311,000	\$ -	\$ 311,000
Total Programmed Capital Expenditures			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Programmed Balance Carryover*			\$ 19,508,518	\$ 7,504,337	\$ 5,350,000	\$ 4,900,000	\$ 5,750,000	
			\$ 2,491,482	\$ 87,145	\$ (60,855)	\$ 345,185	\$ 7,346	
Summary Table								
Fiscal Year	FY16-17	FY17-18	FY18-19	FY19-20	FY20-21	5-Year Total Available Revenue	5-Year Total Programmed	5-Year Balance
Available Revenue	\$ 22,000,000	\$ 7,591,482	\$ 5,289,145	\$ 5,245,185	\$ 5,757,346			
Total Funded/Obligated Expenditures	\$ 19,508,518	\$ 7,504,337	\$ 5,350,000	\$ 4,900,000	\$ 5,750,000	\$ 43,020,201	\$ 43,012,855	\$ 7,346
Carryover Balance	\$ 2,491,482	\$ 87,145	\$ (60,855)	\$ 345,185	\$ 7,346			



2017 Central Zone Reimbursement Tracking

Fiscal Year		FY16-17	FY17-18	FY18-19	FY19-20	FY20-21	Current Programmed Phase Balance	Total Phase Payments/ Expenditures	Original Programmed Phase Cost
Reimbursements									
Actual Carryover Reimbursements (As of 6/30/2016)		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ 1,206,966	\$ 385,146	\$ 385,146	\$ 385,146	\$ 385,146	\$ -	\$ -	\$ 821,820
Available Revenues		\$ 1,206,966	\$ 385,146	\$ 385,146	\$ 385,146	\$ 385,146	\$ -	\$ -	\$ -
10% Funded Expenditures									
	Status* Phase**								
09-CN-RCY-9010	Menifee Rd, from Simpson to Heritage Lake (1,241 mi. 2 to 3 lanes) (Menifee Development LLC)	PND	CON						
		\$ 357,940	\$ -	\$ -	\$ -	\$ -	\$ 357,940	\$ -	\$ 357,940
09-CN-RCY-9010A	McCall Rd, from Heritage Lake to 1,150' East (0.218 mi. 0 to 2 lanes) (Menifee Development LLC)	PND	CON						
		\$ 325,300	\$ -	\$ -	\$ -	\$ -	\$ 325,300	\$ -	\$ 325,300
11-CN-RCY-9018	Briggs Rd, from McLaughlin Rd to 1,950' S of McLaughlin Rd) (Relocate SCE Poles to clear ROW) (Heller Development)	PND	ROW						
		\$ 138,580	\$ -	\$ -	\$ -	\$ -	\$ 138,580	\$ -	\$ 138,580
Total Capital Reimbursement Expenditures		\$ 821,820	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 821,820
Total Funded Balance Carryover		\$ 385,146	\$ 385,146	\$ 385,146	\$ 385,146	\$ 385,146	\$ -	\$ -	\$ -

Notes:

Programmed Carryover Balance does not reflect actual Zone available cash
 Status: PLN=Planned, STD=Started, PND=Pending final invoice, CPL=Completed, CLD=Phase Closed, TER=Terminated.
 Phases: planning=PA&ED, engineering=ENG, right-of-way=ROW, construction=CON
 Reimbursement Detail Tracked on Separate Spreadsheet
 Actual Revenue Forecasts, Carryover, and Payments thru 6/30/16.

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Item 4.F

TUMF Reimbursement Agreements
and Transportation Improvement
Program Update

Attachment 2

Reimbursement Agreement with the
City of Perris for the Perris Boulevard
Widening Project

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**TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM
AGREEMENT TO REIMBURSE TUMF FUNDS
PERRIS BOULEVARD (I-215 TO CASE ROAD)
RIGHT-OF-WAY AND CONSTRUCTION PHASES**

THIS REIMBURSEMENT AGREEMENT (“Agreement”) is entered into as of this day of ____, 20__, by and between the Western Riverside Council of Governments (“WRCOG”), a California joint powers authority and the **City of Perris**, a California municipal corporation. WRCOG and AGENCY are sometimes hereinafter referred to individually as “Party” and collectively as “Parties”.

RECITALS

A. WRCOG is the Administrator of the Transportation Uniform Mitigation Fee Program of Western Riverside County (“TUMF Program”).

B. WRCOG has identified and designated certain transportation improvement projects throughout Western Riverside County as projects of regional importance (“Qualifying Projects” or “Projects”). The Qualifying Projects are more specifically described in that certain WRCOG study titled “TUMF Nexus Study”, as may be amended from time to time. Qualifying Projects can have Regional or Zonal significance as further described in the TUMF Nexus Study.

C. The TUMF Program is funded by TUMF fees paid by new development in Western Riverside County (collectively, “TUMF Program Funds”). TUMF Program Funds are held in trust by WRCOG for the purpose of funding the Qualifying Projects.

D. The AGENCY proposes to implement a Qualifying Project, and it is the purpose of this Agreement to identify the project and to set forth the terms and conditions by which WRCOG will release TUMF Program Funds.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and subject to the conditions contained herein, the Parties hereby agree as follows:

1. Description of the Qualifying Project. This Agreement is intended to distribute TUMF Program Funds to the AGENCY for **Perris Boulevard (I-215 to Case Road)**, (the “Project”), a Qualifying Project. The Work, including a timetable and a detailed scope of work, is more fully described in Exhibit “A” attached hereto and incorporated herein by reference and, pursuant to Section 20 below, is subject to modification if requested by the AGENCY and approved by WRCOG. The work shall be consistent with one or more of the defined WRCOG Call for Projects phases detailed herein as follows:

- 3) R/W – Right of Way Acquisition and Utility Relocation
- 4) CON – Construction

2. WRCOG Funding Amount. WRCOG hereby agrees to distribute to AGENCY, on the terms and conditions set forth herein, a sum not to exceed **Four Million, Three Hundred**

Twenty Seven Thousand, Five Hundred Seventy Dollars (\$4,327,570), to be used for reimbursing the AGENCY for eligible Project expenses as described in Section 3 herein (“Funding Amount”). The Parties acknowledge and agree that the Funding Amount may be less than the actual cost of the Project. Nevertheless, the Parties acknowledge and agree that WRCOG shall not be obligated to contribute TUMF Program Funds in excess of the maximum TUMF share identified in the TUMF Nexus Study (“Maximum TUMF Share”), as may be amended from time to time.

3. Project Costs Eligible for Advance/Reimbursement. The total Project costs (“Total Project Cost”) may include the following items, provided that such items are included in the scope of work attached hereto as Exhibit “A” (“Scope of Work”): (1) AGENCY and/or consultant costs associated with direct Project coordination and support; (2) funds expended in preparation of preliminary engineering studies; (3) funds expended for preparation of environmental review documentation for the Project; (4) all costs associated with right-of-way acquisition, including right-of-way engineering, appraisal, acquisition, legal costs for condemnation procedures if authorized by the AGENCY, and costs of reviewing appraisals and offers for property acquisition; (5) costs reasonably incurred if condemnation proceeds; (6) costs incurred in the preparation of plans, specifications, and estimates by AGENCY or consultants; (7) AGENCY costs associated with bidding, advertising and awarding of the Project contracts; (8) construction costs, including change orders to construction contract approved by the AGENCY; (9) construction management, field inspection and material testing costs; and (10) any AGENCY administrative cost to deliver the Project.

4. Ineligible Project Costs. The Total Project Cost shall not include the following items which shall be borne solely by the AGENCY without reimbursement: (1) any AGENCY administrative fees attributed to the reviewing and processing of the Project; and (2) expenses for items of work not included within the Scope of Work in Exhibit “A”.

5. Procedures for Distribution of TUMF Program Funds to AGENCY.

(a) Initial Payment by the AGENCY. The AGENCY shall be responsible for initial payment of all the Project costs as they are incurred. Following payment of such Project costs, the AGENCY shall submit invoices to WRCOG requesting reimbursement of eligible Project costs. Each invoice shall be accompanied by detailed contractor invoices, or other demands for payment addressed to the AGENCY, and documents evidencing the AGENCY’s payment of the invoices or demands for payment. Documents evidencing the AGENCY’S payment of the invoices shall be retained for four (4) years and shall be made available for review by WRCOG. The AGENCY shall submit invoices not more often than monthly and not less often than quarterly.

(b) Review and Reimbursement by WRCOG. Upon receipt of an invoice from the AGENCY, WRCOG may request additional documentation or explanation of the Project costs for which reimbursement is sought. Undisputed amounts shall be paid by WRCOG to the AGENCY within thirty (30) days. In the event that WRCOG disputes the eligibility of the AGENCY for reimbursement of all or a portion of an invoiced amount, the Parties shall meet and confer in an attempt to resolve the dispute. If the meet and confer process is unsuccessful in resolving the dispute, the AGENCY may appeal WRCOG’s decision as to the eligibility of one

or more invoices to WRCOG's Executive Director. The WRCOG Executive Director shall provide his/her decision in writing. If the AGENCY disagrees with the Executive Director's decision, the AGENCY may appeal the decision of the Executive Director to the full WRCOG Executive Committee, provided the AGENCY submits its request for appeal to WRCOG within ten (10) days of the Executive Director's written decision. The decision of the WRCOG Executive Committee shall be final. Additional details concerning the procedure for the AGENCY's submittal of invoices to WRCOG and WRCOG's consideration and payment of submitted invoices are set forth in Exhibit "B", attached hereto and incorporated herein by reference.

(c) Funding Amount/Adjustment. If a post Project audit or review indicates that WRCOG has provided reimbursement to the AGENCY in an amount in excess of the Maximum TUMF Share of the Project, or has provided reimbursement of ineligible Project costs, the AGENCY shall reimburse WRCOG for the excess or ineligible payments within 30 days of notification by WRCOG.

6. Increases in Project Funding. The Funding Amount may, in WRCOG's sole discretion, be augmented with additional TUMF Program Funds if the TUMF Nexus Study is amended to increase the maximum eligible TUMF share for the Project. Any such increase in the Funding Amount must be approved in writing by WRCOG's Executive Director. In no case shall the amount of TUMF Program Funds allocated to the AGENCY exceed the then-current maximum eligible TUMF share for the Project. No such increased funding shall be expended to pay for any Project already completed. For purposes of this Agreement, the Project or any portion thereof shall be deemed complete upon its acceptance by WRCOG's Executive Director which shall be communicated to the AGENCY in writing.

7. No Funding for Temporary Improvements. Only segments or components of the construction that are intended to form part of or be integrated into the Project may be funded by TUMF Program Funds. No improvement which is temporary in nature, including but not limited to temporary roads, curbs, tapers or drainage facilities, shall be funded with TUMF Program Funds, except as needed for staged construction of the Project.

8. AGENCY's Funding Obligation to Complete the Project. In the event that the TUMF Program Funds allocated to the Project represent less than the total cost of the Project, the AGENCY shall provide such additional funds as may be required to complete the Project.

9. AGENCY's Obligation to Repay TUMF Program Funds to WRCOG; Exception For PA&ED Phase Work. Except as otherwise expressly excepted within this paragraph, in the event that: (i) the AGENCY, for any reason, determines not to proceed with or complete the Project; or (ii) the Project is not timely completed, subject to any extension of time granted by WRCOG pursuant to the terms of this Agreement; the AGENCY agrees that any TUMF Program Funds that were distributed to the AGENCY for the Project shall be repaid in full to WRCOG, and the Parties shall enter into good faith negotiations to establish a reasonable repayment schedule and repayment mechanism. If the Project involves work pursuant to a PA&ED phase, AGENCY shall not be obligated to repay TUMF Program Funds to WRCOG relating solely to PA&ED phase work performed for the Project.

10. AGENCY's Local Match Contribution. The AGENCY shall provide at least **Two Million Three Hundred Twenty Two Thousand Five Hundred Dollars (\$2,322,500)** of funding toward the Work, as shown in Exhibit "A" and as called out in the AGENCY's Project Nomination Form submitted to WRCOG in response to its Call for Projects.

11. Term/Notice of Completion. The term of this Agreement shall be from the date first herein above written until the earlier of the following: (i) the date WRCOG formally accepts the Project as complete, pursuant to Section 6; (ii) termination of this Agreement pursuant to Section 15; or (iii) the AGENCY has fully satisfied its obligations under this Agreement. All applicable indemnification provisions of this Agreement shall remain in effect following the termination of this Agreement.

12. Representatives of the Parties. WRCOG's Executive Director, or his or her designee, shall serve as WRCOG's representative and shall have the authority to act on behalf of WRCOG for all purposes under this Agreement. The AGENCY hereby designates **Habib Motlagh, City Engineer**, or his or her designee, as the AGENCY's representative to WRCOG. The AGENCY's representative shall have the authority to act on behalf of the AGENCY for all purposes under this Agreement and shall coordinate all activities of the Project under the AGENCY's responsibility. The AGENCY shall work closely and cooperate fully with WRCOG's representative and any other agencies which may have jurisdiction over or an interest in the Project.

13. Expenditure of Funds by AGENCY Prior to Execution of Agreement. Nothing in this Agreement shall be construed to prevent or preclude the AGENCY from expending funds on the Project prior to the execution of the Agreement, or from being reimbursed by WRCOG for such expenditures. However, the AGENCY understands and acknowledges that any expenditure of funds on the Project prior to the execution of the Agreement is made at the AGENCY's sole risk, and that some expenditures by the AGENCY may not be eligible for reimbursement under this Agreement.

14. Review of Services. The AGENCY shall allow WRCOG's Representative to inspect or review the progress of the Project at any reasonable time in order to determine whether the terms of this Agreement are being met.

15. Termination.

(a) Notice. Either WRCOG or AGENCY may, by written notice to the other party, terminate this Agreement, in whole or in part, in response to a material breach hereof by the other Party, by giving written notice to the other party of such termination and specifying the effective date thereof. The written notice shall provide a 30 day period to cure any alleged breach. During the 30 day cure period, the Parties shall discuss, in good faith, the manner in which the breach can be cured.

(b) Effect of Termination. In the event that the AGENCY terminates this Agreement, the AGENCY shall, within 180 days, repay to WRCOG any unexpended TUMF Program Funds provided to the AGENCY under this Agreement and shall complete any portion or segment of work for the Project for which TUMF Program Funds have been provided. In the

event that WRCOG terminates this Agreement, WRCOG shall, within 90 days, distribute to the AGENCY TUMF Program Funds in an amount equal to the aggregate total of all unpaid invoices which have been received from the AGENCY regarding the Project at the time of the notice of termination; provided, however, that WRCOG shall be entitled to exercise its rights under Section 5(b), including but not limited to conducting a review of the invoices and requesting additional information. Upon such termination, the AGENCY shall, within 180 days, complete any portion or segment of work for the Project for which TUMF Program Funds have been provided. This Agreement shall terminate upon receipt by the non-terminating Party of the amounts due to it hereunder and upon completion of the segment or portion of Project work for which TUMF Program Funds have been provided.

(c) Cumulative Remedies. The rights and remedies of the Parties provided in this Section are in addition to any other rights and remedies provided by law or under this Agreement.

16. Prevailing Wages. The AGENCY and any other person or entity hired to perform services on the Project are alerted to the requirements of California Labor Code Sections 1770 et seq., which would require the payment of prevailing wages were the services or any portion thereof determined to be a public work, as defined therein. The AGENCY shall ensure compliance with these prevailing wage requirements by any person or entity hired to perform the Project. The AGENCY shall defend, indemnify, and hold harmless WRCOG, its officers, employees, consultants, and agents from any claim or liability, including without limitation attorneys, fees, arising from its failure or alleged failure to comply with California Labor Code Sections 1770 et seq.

17. Progress Reports. WRCOG may request the AGENCY to provide WRCOG with progress reports concerning the status of the Project.

18. Indemnification.

(a) AGENCY Responsibilities. In addition to the indemnification required under Section 16, the AGENCY agrees to indemnify and hold harmless WRCOG, its officers, agents, consultants, and employees from any and all claims, demands, costs or liability arising from or connected with all activities governed by this Agreement including all design and construction activities, due to negligent acts, errors or omissions or willful misconduct of the AGENCY or its subcontractors. The AGENCY will reimburse WRCOG for any expenditures, including reasonable attorneys' fees, incurred by WRCOG, in defending against claims ultimately determined to be due to negligent acts, errors or omissions or willful misconduct of the AGENCY.

(b) WRCOG Responsibilities. WRCOG agrees to indemnify and hold harmless the AGENCY, its officers, agents, consultants, and employees from any and all claims, demands, costs or liability arising from or connected with all activities governed by this Agreement including all design and construction activities, due to negligent acts, errors or omissions or willful misconduct of WRCOG or its sub-consultants. WRCOG will reimburse the AGENCY for any expenditures, including reasonable attorneys' fees, incurred by the AGENCY,

in defending against claims ultimately determined to be due to negligent acts, errors or omissions or willful misconduct of WRCOG.

(c) Effect of Acceptance. The AGENCY shall be responsible for the professional quality, technical accuracy and the coordination of any services provided to complete the Project. WRCOG's review, acceptance or funding of any services performed by the AGENCY or any other person or entity under this Agreement shall not be construed to operate as a waiver of any rights WRCOG may hold under this Agreement or of any cause of action arising out of this Agreement. Further, the AGENCY shall be and remain liable to WRCOG, in accordance with applicable law, for all damages to WRCOG caused by the AGENCY's negligent performance of this Agreement or supervision of any services provided to complete the Project.

19. Insurance. The AGENCY shall require, at a minimum, all persons or entities hired to perform the Project to obtain, and require their subcontractors to obtain, insurance of the types and in the amounts described below and satisfactory to the AGENCY and WRCOG. Such insurance shall be maintained throughout the term of this Agreement, or until completion of the Project, whichever occurs last.

(a) Commercial General Liability Insurance. Occurrence version commercial general liability insurance or equivalent form with a combined single limit of not less than \$1,000,000.00 per occurrence. If such insurance contains a general aggregate limit, it shall apply separately to the Project or be no less than two times the occurrence limit. Such insurance shall:

(i) Name WRCOG and AGENCY, and their respective officials, officers, employees, agents, and consultants as insured with respect to performance of the services on the Project and shall contain no special limitations on the scope of coverage or the protection afforded to these insured;

(ii) Be primary with respect to any insurance or self-insurance programs covering WRCOG and AGENCY, and/or their respective officials, officers, employees, agents, and consultants; and

(iii) Contain standard separation of insured provisions.

(b) Business Automobile Liability Insurance. Business automobile liability insurance or equivalent form with a combined single limit of not less than \$1,000,000.00 per occurrence. Such insurance shall include coverage for owned, hired and non-owned automobiles.

(c) Professional Liability Insurance. Errors and omissions liability insurance with a limit of not less than \$1,000,000.00 Professional liability insurance shall only be required of design or engineering professionals.

(d) Workers' Compensation Insurance. Workers' compensation insurance with statutory limits and employers' liability insurance with limits of not less than \$1,000,000.00 each accident.

20. Project Amendments. Changes to the characteristics of the Project, including the deadline for Project completion, and any responsibilities of the AGENCY or WRCOG may be requested in writing by the AGENCY and are subject to the approval of WRCOG's Representative, which approval will not be unreasonably withheld, provided that extensions of time for completion of the Project shall be approved in the sole discretion of WRCOG's Representative. Nothing in this Agreement shall be construed to require or allow completion of the Project without full compliance with the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; "CEQA") and the National Environmental Policy Act of 1969 (42 USC 4231 *et seq.*), if applicable, but the necessity of compliance with CEQA and/or NEPA shall not justify, excuse, or permit a delay in completion of the Project.

21. Conflict of Interest. For the term of this Agreement, no member, officer or employee of the AGENCY or WRCOG, during the term of his or her service with the AGENCY or WRCOG, as the case may be, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

22. Limited Scope of Duties. WRCOG's and the AGENCY's duties and obligations under this Agreement are limited to those described herein. WRCOG has no obligation with respect to the safety of any Project performed at a job site. In addition, WRCOG shall not be liable for any action of AGENCY or its contractors relating to the condemnation of property undertaken by AGENCY or construction related to the Project.

23. Books and Records. Each party shall maintain complete, accurate, and clearly identifiable records with respect to costs incurred for the Project under this Agreement. They shall make available for examination by the other party, its authorized agents, officers or employees any and all ledgers and books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or related to the expenditures and disbursements charged to the other party pursuant to this Agreement. Further, each party shall furnish to the other party, its agents or employees such other evidence or information as they may require with respect to any such expense or disbursement charged by them. All such information shall be retained by the Parties for at least four (4) years following termination of this Agreement, and they shall have access to such information during the four-year period for the purposes of examination or audit.

24. Equal Opportunity Employment. The Parties represent that they are equal opportunity employers and they shall not discriminate against any employee or applicant of reemployment because of race, religion, color, national origin, ancestry, sex or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

25. Governing Law. This Agreement shall be governed by and construed with the laws of the State of California.

26. Attorneys' Fees. If either party commences an action against the other party arising out of or in connection with this Agreement, the prevailing party in such litigation shall be entitled to have and recover from the losing party reasonable attorneys' fees and costs of suit.

27. Time of Essence. Time is of the essence for each and every provision of this Agreement.

28. Headings. Article and Section Headings, paragraph captions or marginal headings contained in this Agreement are for convenience only and shall have no effect in the construction or interpretation of any provision herein.

29. Public Acknowledgement. The AGENCY agrees that all public notices, news releases, information signs and other forms of communication shall indicate that the Project is being cooperatively funded by the AGENCY and WRCOG TUMF Program Funds.

30. No Joint Venture. This Agreement is for funding purposes only and nothing herein shall be construed to make WRCOG a party to the construction of the Project or to make it a partner or joint venture with the AGENCY for such purpose.

31. Compliance With the Law. The AGENCY shall comply with all applicable laws, rules and regulations governing the implementation of the Qualifying Project, including, where applicable, the rules and regulations pertaining to the participation of businesses owned or controlled by minorities and women promulgated by the Federal Highway Administration and the Federal Department of Transportation.

32. Notices. All notices hereunder and communications regarding interpretation of the terms of this Agreement or changes thereto shall be provided by the mailing thereof by registered or certified mail, return receipt requested, postage prepaid and addressed as follows:

If to AGENCY: Habib Motlagh, City Engineer
 City of Perris
 P.O. Box 606
 Perris, CA 92570
 Telephone: (951) 943-6504
 Facsimile: (951) 943-8416

If to WRCOG: Western Riverside Council of Governments
 Riverside County Administrative Center
 4080 Lemon Street, Third Floor
 Riverside, California 92501-3609
 Attention: Christopher Gray, Director of Transportation
 Telephone: (951) 955-8304
 Facsimile: (951) 787-7991

Any notice so given shall be considered served on the other party three (3) days after deposit in the U.S. mail, first class postage prepaid, return receipt requested, and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred regardless of the method of service.

33. Integration; Amendment. This Agreement contains the entire agreement between the PARTIES. Any agreement or representation respecting matters addressed herein that are not expressly set forth in this Agreement is null and void. This Agreement may be amended only by mutual written agreement of the PARTIES.

34. Severability. If any term, provision, condition or covenant of this Agreement is held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby.

35. Conflicting Provisions. In the event that provisions of any attached appendices or exhibits conflict in any way with the provisions set forth in this Agreement, the language, terms and conditions contained in this Agreement shall control the actions and obligations of the Parties and the interpretation of the Parties' understanding concerning the Agreement.

36. Independent Contractors. Any person or entities retained by the AGENCY or any contractor shall be retained on an independent contractor basis and shall not be employees of WRCOG. Any personnel performing services on the Project shall at all times be under the exclusive direction and control of the AGENCY or contractor, whichever is applicable. The AGENCY or contractor shall pay all wages, salaries and other amounts due such personnel in connection with their performance of services on the Project and as required by law. The AGENCY or consultant shall be responsible for all reports and obligations respecting such personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance and workers' compensation insurance.

37. Effective Date. This Agreement shall not be effective until executed by both Parties. The failure of one party to execute this Agreement within forty-five (45) days of the other party executing this Agreement shall render any execution of this Agreement ineffective.

38. No Third Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives to be effective on the day and year first above-written.

**WESTERN RIVERSIDE COUNCIL
OF GOVERNMENTS**

CITY OF PERRIS

By: _____
Rick Bishop, Executive Director

By: _____
Richard Belmudez
City Manager

Approved to Form:

Approved to Form:

By: _____
Steven C. DeBaun
General Counsel

By: _____
Eric Dunn
City Attorney

Attest:

By: _____
Nancy Salazar
City Clerk

EXHIBIT “A”**SCOPE OF WORK**

This project will widen Perris Boulevard between Case Road and Interstate 215 within the City of Perris to a total of four through lanes, with additional turn pockets at major intersections as warranted by traffic volumes. The project length is 1.0 miles (2.0 lane miles). Within the project reach, most areas have two existing lanes (some segments have an existing turn pocket). The project is anticipated to be developed in two or more segments/phases, rather than the entire reach at one time.

Along with lane widening, curb & gutter and sidewalks will be installed throughout the project limits, and where necessary traffic signal modifications will be completed. The project is located entirely within Perris City Limits, and the City will be the lead for all project phases.

EXHIBIT “A-1”**ESTIMATE OF COST**

Phase	TUMF	LOCAL	TOTAL
PA&ED			
PS&E			
RIGHT OF WAY	\$627,570	\$22,500	\$650,070
CONSTRUCTION	\$3,700,000	\$2,300,000	\$6,000,000
TOTAL	\$4,327,570	\$2,322,500	\$6,650,070

***This Reimbursement Agreement is for the Right-of-Way and Construction Phases Only.**

EXHIBIT “A-2”**PROJECT SCHEDULE****TIMETABLE:**

Phase	Estimated Completion Date	Estimated Cost	Comments
PA&ED			*Not part of this agreement
PS&E			*Not part of this agreement
RIGHT OF WAY	3/31/17	\$650,000	
CONSTRUCTION	3/31/18	\$6,000,000	
TOTAL		\$6,650,000	

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Elements of Compensation

EXHIBIT “B”

PROCEDURES FOR SUBMITTAL, CONSIDERATION AND PAYMENT OF INVOICES

1. For professional services, WRCOG recommends that the AGENCY incorporate this Exhibit “B-1” into its contracts with any subcontractors to establish a standard method for preparation of invoices by contractors to the AGENCY and ultimately to WRCOG for reimbursement of AGENCY contractor costs.
2. Each month the AGENCY shall submit an invoice for eligible Project costs incurred during the preceding month. The original invoice shall be submitted to WRCOG’s Executive Director with a copy to WRCOG’s Project Coordinator. Each invoice shall be accompanied by a cover letter in a format substantially similar to that of Exhibit “B-2”.
3. For jurisdictions with large construction projects (with the total construction cost exceeding \$10 million) under construction at the same time, may with the approval of WRCOG submit invoices to WRCOG for payment at the same time they are received by the jurisdiction. WRCOG must receive the invoice by the 5th day of the month in order to process the invoice within 30 days. WRCOG will retain 10% of the invoice until all costs have been verified as eligible and will release the balance at regular intervals not more than quarterly and not less than semi-annually. If there is a discrepancy or ineligible costs that exceed 10% of the previous invoice WRCOG will deduct that amount from the next payment.
4. Each invoice shall include documentation from each contractor used by the AGENCY for the Project, listing labor costs, subcontractor costs, and other expenses. Each invoice shall also include a monthly progress report and spreadsheets showing the hours or amounts expended by each contractor or subcontractor for the month and for the entire Project to date. Samples of acceptable task level documentation and progress reports are attached as Exhibits “B-4” and “B-5”. All documentation from the Agency’s contractors should be accompanied by a cover letter in a format substantially similar to that of Exhibit “B-3”.
5. If the AGENCY is seeking reimbursement for direct expenses incurred by AGENCY staff for eligible Project costs, the AGENCY shall provide the same level of information for its labor and any expenses as required of its contractors pursuant to Exhibit “B” and its attachments.
6. Charges for each task and milestone listed in Exhibit “A” shall be listed separately in the invoice.
7. Each invoice shall include a certification signed by the AGENCY Representative or his or her designee which reads as follows:

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"I hereby certify that the hours and salary rates submitted for reimbursement in this invoice are the actual hours and rates worked and paid to the contractors or subcontractors listed.

Signed _____

Title _____

Date _____

Invoice No. _____

8. WRCOG will pay the AGENCY within 30 days after receipt by WRCOG of an invoice. If WRCOG disputes any portion of an invoice, payment for that portion will be withheld, without interest, pending resolution of the dispute, but the uncontested balance will be paid.
9. The final payment under this Agreement will be made only after: (I) the AGENCY has obtained a Release and Certificate of Final Payment from each contractor or subcontractor used on the Project; (ii) the AGENCY has executed a Release and Certificate of Final Payment; and (iii) the AGENCY has provided copies of each such Release to WRCOG.

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EXHIBIT “B-1”
[Sample for Professional Services]

For the satisfactory performance and completion of the Services under this Agreement, Agency will pay the Contractor compensation as set forth herein. The total compensation for this service shall not exceed (____INSERT WRITTEN DOLLAR AMOUNT____) (\$__INSERT NUMERICAL DOLLAR AMOUNT__) without written approval of Agency’s City Manager [or applicable position] (“Total Compensation”).

1. ELEMENTS OF COMPENSATION.

Compensation for the Services will be comprised of the following elements: 1.1 Direct Labor Costs; 1.2 Fixed Fee; and 1.3 Additional Direct Costs.

1.1 DIRECT LABOR COSTS.

Direct Labor costs shall be paid in an amount equal to the product of the Direct Salary Costs and the Multiplier which are defined as follows:

1.1.1 DIRECT SALARY COSTS

Direct Salary Costs are the base salaries and wages actually paid to the Contractor's personnel directly engaged in performance of the Services under the Agreement. (The range of hourly rates paid to the Contractor's personnel appears in Section 2 below.)

1.1.2 MULTIPLIER

The Multiplier to be applied to the Direct Salary Costs to determine the Direct Labor Costs is _____, and is the sum of the following components:

1.1.2.1 Direct Salary Costs _____

1.1.2.2 Payroll Additives _____

The Decimal Ratio of Payroll Additives to Direct Salary Costs. Payroll Additives include all employee benefits, allowances for vacation, sick leave, and holidays, and company portion of employee insurance and social and retirement benefits, all federal and state payroll taxes, premiums for insurance which are measured by payroll costs, and other contributions and benefits imposed by applicable laws and regulations.

1.1.2.3 Overhead Costs _____

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The Decimal Ratio of Allowable Overhead Costs to the Contractor Firm's Total Direct Salary Costs. Allowable Overhead Costs include general, administrative and overhead costs of maintaining and operating established offices, and consistent with established firm policies, and as defined in the Federal Acquisitions Regulations, Part 31.2.

Total Multiplier
(sum of 1.1.2.1, 1.1.2.2, and 1.1.2.3) _____

1.2 FIXED FEE.

1.2.1 The fixed fee is \$_____.

1.2.2 A pro-rata share of the Fixed Fee shall be applied to the total Direct Labor Costs expended for services each month, and shall be included on each monthly invoice.

1.3 ADDITIONAL DIRECT COSTS.

Additional Direct Costs directly identifiable to the performance of the services of this Agreement shall be reimbursed at the rates below, or at actual invoiced cost.

Rates for identified Additional Direct Costs are as follows:

<u>ITEM</u>	<u>REIMBURSEMENT RATE</u>
	<u>[__insert charges__]</u>
Per Diem	\$ /day
Car mileage	\$ /mile
Travel	\$ /trip
Computer Charges	\$ /hour
Photocopies	\$ /copy
Blueline	\$ /sheet
LD Telephone	\$ /call
Fax	\$ /sheet
Photographs	\$ /sheet

Travel by air and travel in excess of 100 miles from the Contractor's office nearest to Agency's office must have Agency's prior written approval to be reimbursed under this Agreement.

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2. DIRECT SALARY RATES

Direct Salary Rates, which are the range of hourly rates to be used in determining Direct Salary Costs in Section 1.1.1 above, are given below and are subject to the following:

- 2.1 Direct Salary Rates shall be applicable to both straight time and overtime work, unless payment of a premium for overtime work is required by law, regulation or craft agreement, or is otherwise specified in this Agreement. In such event, the premium portion of Direct Salary Costs will not be subject to the Multiplier defined in Paragraph 1.1.2 above.
- 2.2 Direct Salary Rates shown herein are in effect for one year following the effective date of the Agreement. Thereafter, they may be adjusted annually to reflect the Contractor's adjustments to individual compensation. The Contractor shall notify Agency in writing prior to a change in the range of rates included herein, and prior to each subsequent change.

<u>POSITION OR CLASSIFICATION</u>	<u>RANGE OF HOURLY RATES</u>
-----------------------------------	------------------------------

[sample]

Principal	\$.00 - \$.00/hour
Project Manager	\$.00 - \$.00/hour
Sr. Engineer/Planner	\$.00 - \$.00/hour
Project Engineer/Planner	\$.00 - \$.00/hour
Assoc. Engineer/Planner	\$.00 - \$.00/hour
Technician	\$.00 - \$.00/hour
Drafter/CADD Operator	\$.00 - \$.00/hour
Word Processor	\$.00 - \$.00/hour

- 2.3 The above rates are for the Contractor only. All rates for subcontractors to the Contractor will be in accordance with the Contractor's cost proposal.

3. INVOICING.

- 3.1 Each month the Contractor shall submit an invoice for Services performed during the preceding month. The original invoice shall be submitted to Agency's Executive Director with two (2) copies to Agency's Project Coordinator.
- 3.2 Charges shall be billed in accordance with the terms and rates included herein, unless otherwise agreed in writing by Agency's Representative.
- 3.3 Base Work and Extra Work shall be charged separately, and the charges for each task and Milestone listed in the Scope of Services, shall be listed separately. The charges for each individual assigned by the Contractor under this Agreement shall be listed separately on an attachment to the invoice.

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- 3.4 A charge of \$500 or more for any one item of Additional Direct Costs shall be accompanied by substantiating documentation satisfactory to Agency such as invoices, telephone logs, etc.
- 3.5 Each copy of each invoice shall be accompanied by a Monthly Progress Report and spreadsheets showing hours expended by task for each month and total project to date.
- 3.6 If applicable, each invoice shall indicate payments to DBE subcontractors or supplies by dollar amount and as a percentage of the total invoice.
- 3.7 Each invoice shall include a certification signed by the Contractor's Representative or an officer of the firm which reads as follows:

I hereby certify that the hours and salary rates charged in this invoice are the actual hours and rates worked and paid to the employees listed.

Signed _____
Title _____
Date _____
Invoice No. _____

4. PAYMENT

- 4.1 Agency shall pay the Contractor within four to six weeks after receipt by Agency of an original invoice. Should Agency contest any portion of an invoice, that portion shall be held for resolution, without interest, but the uncontested balance shall be paid.
- 4.2 The final payment for Services under this Agreement will be made only after the Contractor has executed a Release and Certificate of Final Payment.

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EXHIBIT B-2
Sample Cover Letter to WRCOG

Date
Western Riverside Council of Governments
Riverside County Administrative Center
4080 Lemon Street, Third Floor
Riverside, California 92501-3679
Attention: Deputy Executive Director
ATTN: Accounts Payable

Re: Project Title - Invoice #__

Enclosed for your review and payment approval is the AGENCY's invoice for professional and technical services that was rendered by our contractors in connection with the 2002 Measure "A" Local Streets and Roads Funding per Agreement No. _____ effective (Month/Day/Year). The required support documentation received from each contractor is included as backup to the invoice.

Invoice period covered is from Month/Date/Year to Month/Date/Year.

Total Authorized Agreement Amount:	\$0,000,000.00
Total Invoiced to Date:	\$0,000,000.00
Total Previously Invoiced:	\$0,000,000.00
Balance Remaining:	\$0,000,000.00

Amount due this Invoice:	\$0,000,000.00 =====
---------------------------------	--------------------------------

I certify that the hours and salary rates charged in this invoice are the actual hours and rates worked and paid to the contractors listed.

By: _____
Name
Title

cc:

For Public Agency Use Only

EXHIBIT B-3**Sample Letter from Contractor to AGENCY**

Month/Date/Year

Western Riverside Council of Governments
 Riverside County Administrative Center
 4080 Lemon Street, Third Floor
 Riverside, California 92501-3679
 Attention: Deputy Executive Director
 Attn: Accounts Payable

Invoice # _____

For **[type of services]** rendered by **[contractor name]** in connection with **[name of project]**
 This is per agreement No. XX-XX-XXX effective Month/Date/Year.

Invoice period covered is from Month/Date/Year to Month/Date/Year.

Total Base Contract Amount:	\$000,000.00
Authorized Extra Work (if Applicable)	\$000,000.00

TOTAL AUTHORIZED CONTRACT AMOUNT:	\$000,000.00
 Total Invoice to Date:	 \$000,000.00
Total Previously Billed:	\$000,000.00
Balance Remaining:	\$000,000.00
 Amount Due this Invoice:	 \$000,000.00
	=====

I certify that the hours and salary rates charged in this invoice are the actual hours and rates worked and paid to the employees listed,

By: _____
 Name
 Title

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EXHIBIT B-4
SAMPLE TASK SUMMARY SCHEDULE
(OPTIONAL)

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EXHIBIT B-5
Sample Progress Report

REPORTING PERIOD: Month/Date/Year to Month/Date/Year
PROGRESS REPORT: #1

A. Activities and Work Completed during Current Work Periods

TASK 01 – 100% PS&E SUBMITTAL

1. Responded to Segment 1 comments from Department of Transportation
2. Completed and submitted Segment 1 final PS&E

B. Current/Potential Problems Encountered & Corrective Action

Problems	Corrective Action
None	None

C. Work Planned Next Period

TASK 01 – 100% PS&E SUBMITTAL

1. Completing and to submit Traffic Signal and Electrical Design plans
2. Responding to review comments

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Item 4.F

TUMF Reimbursement Agreements
and Transportation Improvement
Program Update

Attachment 3

Reimbursement Agreement with the
City of Jurupa Valley for the Limonite
Avenue Widening Project

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**TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM
AGREEMENT TO REIMBURSE TUMF FUNDS
LIMONITE AVENUE WIDENING (ETIWANDA AVENUE TO BAIN STREET) –
CONSTRUCTION PHASE**

THIS REIMBURSEMENT AGREEMENT (“Agreement”) is entered into as of this day of _____, 2017, by and between the Western Riverside Council of Governments (“WRCOG”), a California joint powers authority and the **City of Jurupa Valley**, a California municipal corporation (“AGENCY”). WRCOG and AGENCY are sometimes hereinafter referred to individually as “Party” and collectively as “Parties”.

RECITALS

A. WRCOG is the Administrator of the Transportation Uniform Mitigation Fee Program of Western Riverside County (“TUMF Program”).

B. WRCOG has identified and designated certain transportation improvement projects throughout Western Riverside County as projects of regional importance (“Qualifying Projects” or “Projects”). The Qualifying Projects are more specifically described in that certain WRCOG study titled “TUMF Nexus Study”, as may be amended from time to time. Qualifying Projects can have Regional or Zonal significance as further described in the TUMF Nexus Study.

C. The TUMF Program is funded by TUMF fees paid by new development in Western Riverside County (collectively, “TUMF Program Funds”). TUMF Program Funds are held in trust by WRCOG for the purpose of funding the Qualifying Projects.

D. The AGENCY proposes to implement a Qualifying Project, and it is the purpose of this Agreement to identify the project and to set forth the terms and conditions by which WRCOG will release TUMF Program Funds.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and subject to the conditions contained herein, the Parties hereby agree as follows:

1. Description of the Qualifying Project. This Agreement is intended to distribute TUMF Program Funds to the AGENCY for **Limonite Avenue Widening (Etiwanda Avenue to Bain Street)**, (the “Project”), a Qualifying Project. The Work, including a timetable and a detailed scope of work, is more fully described in Exhibit “A” attached hereto and incorporated herein by reference and, pursuant to Section 20 below, is subject to modification if requested by the AGENCY and approved by WRCOG. The work shall be consistent with one or more of the defined WRCOG Call for Projects phases detailed herein as follows:

4) CON – Construction

2. WRCOG Funding Amount. WRCOG hereby agrees to distribute to AGENCY, on the terms and conditions set forth herein, a sum not to exceed **Six Hundred and Fifty Eight Thousand Dollars (\$658,000)**, to be used for reimbursing the AGENCY for eligible Project

expenses as described in Section 3 herein (“Funding Amount”). The Parties acknowledge and agree that the Funding Amount may be less than the actual cost of the Project. Nevertheless, the Parties acknowledge and agree that WRCOG shall not be obligated to contribute TUMF Program Funds in excess of the maximum TUMF share identified in the TUMF Nexus Study (“Maximum TUMF Share”), as may be amended from time to time.

3. Project Costs Eligible for Advance/Reimbursement. The total Project costs (“Total Project Cost”) may include the following items, provided that such items are included in the scope of work attached hereto as Exhibit “A” (“Scope of Work”): (1) AGENCY and/or consultant costs associated with direct Project coordination and support; (2) funds expended in preparation of preliminary engineering studies; (3) funds expended for preparation of environmental review documentation for the Project; (4) all costs associated with right-of-way acquisition, including right-of-way engineering, appraisal, acquisition, legal costs for condemnation procedures if authorized by the AGENCY, and costs of reviewing appraisals and offers for property acquisition; (5) costs reasonably incurred if condemnation proceeds; (6) costs incurred in the preparation of plans, specifications, and estimates by AGENCY or consultants; (7) AGENCY costs associated with bidding, advertising and awarding of the Project contracts; (8) construction costs, including change orders to construction contract approved by the AGENCY; (9) construction management, field inspection and material testing costs; and (10) any AGENCY administrative cost to deliver the Project.

4. Ineligible Project Costs. The Total Project Cost shall not include the following items which shall be borne solely by the AGENCY without reimbursement: (1) any AGENCY administrative fees attributed to the reviewing and processing of the Project; and (2) expenses for items of work not included within the Scope of Work in Exhibit “A”.

5. Procedures for Distribution of TUMF Program Funds to AGENCY.

(a) Initial Payment by the AGENCY. The AGENCY shall be responsible for initial payment of all the Project costs as they are incurred. Following payment of such Project costs, the AGENCY shall submit invoices to WRCOG requesting reimbursement of eligible Project costs. Each invoice shall be accompanied by detailed contractor invoices, or other demands for payment addressed to the AGENCY, and documents evidencing the AGENCY’s payment of the invoices or demands for payment. Documents evidencing the AGENCY’S payment of the invoices shall be retained for four (4) years and shall be made available for review by WRCOG. The AGENCY shall submit invoices not more often than monthly and not less often than quarterly.

(b) Review and Reimbursement by WRCOG. Upon receipt of an invoice from the AGENCY, WRCOG may request additional documentation or explanation of the Project costs for which reimbursement is sought. Undisputed amounts shall be paid by WRCOG to the AGENCY within thirty (30) days. In the event that WRCOG disputes the eligibility of the AGENCY for reimbursement of all or a portion of an invoiced amount, the Parties shall meet and confer in an attempt to resolve the dispute. If the meet and confer process is unsuccessful in resolving the dispute, the AGENCY may appeal WRCOG’s decision as to the eligibility of one or more invoices to WRCOG’s Executive Director. The WRCOG Executive Director shall provide his/her decision in writing. If the AGENCY disagrees with the Executive Director’s

decision, the AGENCY may appeal the decision of the Executive Director to the full WRCOG Executive Committee, provided the AGENCY submits its request for appeal to WRCOG within ten (10) days of the Executive Director's written decision. The decision of the WRCOG Executive Committee shall be final. Additional details concerning the procedure for the AGENCY's submittal of invoices to WRCOG and WRCOG's consideration and payment of submitted invoices are set forth in Exhibit "B", attached hereto and incorporated herein by reference.

(c) Funding Amount/Adjustment. If a post Project audit or review indicates that WRCOG has provided reimbursement to the AGENCY in an amount in excess of the Maximum TUMF Share of the Project, or has provided reimbursement of ineligible Project costs, the AGENCY shall reimburse WRCOG for the excess or ineligible payments within 30 days of notification by WRCOG.

6. Increases in Project Funding. The Funding Amount may, in WRCOG's sole discretion, be augmented with additional TUMF Program Funds if the TUMF Nexus Study is amended to increase the maximum eligible TUMF share for the Project. Any such increase in the Funding Amount must be approved in writing by WRCOG's Executive Director. In no case shall the amount of TUMF Program Funds allocated to the AGENCY exceed the then-current maximum eligible TUMF share for the Project. No such increased funding shall be expended to pay for any Project already completed. For purposes of this Agreement, the Project or any portion thereof shall be deemed complete upon its acceptance by WRCOG's Executive Director which shall be communicated to the AGENCY in writing.

7. No Funding for Temporary Improvements. Only segments or components of the construction that are intended to form part of or be integrated into the Project may be funded by TUMF Program Funds. No improvement which is temporary in nature, including but not limited to temporary roads, curbs, tapers or drainage facilities, shall be funded with TUMF Program Funds, except as needed for staged construction of the Project.

8. AGENCY's Funding Obligation to Complete the Project. In the event that the TUMF Program Funds allocated to the Project represent less than the total cost of the Project, the AGENCY shall provide such additional funds as may be required to complete the Project.

9. AGENCY's Obligation to Repay TUMF Program Funds to WRCOG; Exception For PA&ED Phase Work. Except as otherwise expressly excepted within this paragraph, in the event that: (i) the AGENCY, for any reason, determines not to proceed with or complete the Project; or (ii) the Project is not timely completed, subject to any extension of time granted by WRCOG pursuant to the terms of this Agreement; the AGENCY agrees that any TUMF Program Funds that were distributed to the AGENCY for the Project shall be repaid in full to WRCOG, and the Parties shall enter into good faith negotiations to establish a reasonable repayment schedule and repayment mechanism. If the Project involves work pursuant to a PA&ED phase, AGENCY shall not be obligated to repay TUMF Program Funds to WRCOG relating solely to PA&ED phase work performed for the Project.

10. AGENCY's Local Match Contribution. The AGENCY shall provide at least **\$4,080,969** of funding toward the Work, as shown in Exhibit "A" and as called out in the AGENCY's Project Nomination Form submitted to WRCOG in response to its Call for Projects.

11. Term/Notice of Completion. The term of this Agreement shall be from the date first herein above written until the earlier of the following: (i) the date WRCOG formally accepts the Project as complete, pursuant to Section 6; (ii) termination of this Agreement pursuant to Section 15; or (iii) the AGENCY has fully satisfied its obligations under this Agreement. All applicable indemnification provisions of this Agreement shall remain in effect following the termination of this Agreement.

12. Representatives of the Parties. WRCOG's Executive Director, or his or her designee, shall serve as WRCOG's representative and shall have the authority to act on behalf of WRCOG for all purposes under this Agreement. The AGENCY hereby designates **Gary Thompson, City Manager**, or his or her designee, as the AGENCY's representative to WRCOG. The AGENCY's representative shall have the authority to act on behalf of the AGENCY for all purposes under this Agreement and shall coordinate all activities of the Project under the AGENCY's responsibility. The AGENCY shall work closely and cooperate fully with WRCOG's representative and any other agencies which may have jurisdiction over or an interest in the Project.

13. Expenditure of Funds by AGENCY Prior to Execution of Agreement. Nothing in this Agreement shall be construed to prevent or preclude the AGENCY from expending funds on the Project prior to the execution of the Agreement, or from being reimbursed by WRCOG for such expenditures. However, the AGENCY understands and acknowledges that any expenditure of funds on the Project prior to the execution of the Agreement is made at the AGENCY's sole risk, and that some expenditures by the AGENCY may not be eligible for reimbursement under this Agreement.

14. Review of Services. The AGENCY shall allow WRCOG's Representative to inspect or review the progress of the Project at any reasonable time in order to determine whether the terms of this Agreement are being met.

15. Termination.

(a) Notice. Either WRCOG or AGENCY may, by written notice to the other party, terminate this Agreement, in whole or in part, in response to a material breach hereof by the other Party, by giving written notice to the other party of such termination and specifying the effective date thereof. The written notice shall provide a 30 day period to cure any alleged breach. During the 30 day cure period, the Parties shall discuss, in good faith, the manner in which the breach can be cured.

(b) Effect of Termination. In the event that the AGENCY terminates this Agreement, the AGENCY shall, within 180 days, repay to WRCOG any unexpended TUMF Program Funds provided to the AGENCY under this Agreement and shall complete any portion or segment of work for the Project for which TUMF Program Funds have been provided. In the event that WRCOG terminates this Agreement, WRCOG shall, within 90 days, distribute to the

AGENCY TUMF Program Funds in an amount equal to the aggregate total of all unpaid invoices which have been received from the AGENCY regarding the Project at the time of the notice of termination; provided, however, that WRCOG shall be entitled to exercise its rights under Section 5(b), including but not limited to conducting a review of the invoices and requesting additional information. Upon such termination, the AGENCY shall, within 180 days, complete any portion or segment of work for the Project for which TUMF Program Funds have been provided. This Agreement shall terminate upon receipt by the non-terminating Party of the amounts due to it hereunder and upon completion of the segment or portion of Project work for which TUMF Program Funds have been provided.

(c) Cumulative Remedies. The rights and remedies of the Parties provided in this Section are in addition to any other rights and remedies provided by law or under this Agreement.

16. Prevailing Wages. The AGENCY and any other person or entity hired to perform services on the Project are alerted to the requirements of California Labor Code Sections 1770 et seq., which would require the payment of prevailing wages were the services or any portion thereof determined to be a public work, as defined therein. The AGENCY shall ensure compliance with these prevailing wage requirements by any person or entity hired to perform the Project. The AGENCY shall defend, indemnify, and hold harmless WRCOG, its officers, employees, consultants, and agents from any claim or liability, including without limitation attorneys, fees, arising from its failure or alleged failure to comply with California Labor Code Sections 1770 et seq.

17. Progress Reports. WRCOG may request the AGENCY to provide WRCOG with progress reports concerning the status of the Project.

18. Indemnification.

(a) AGENCY Responsibilities. In addition to the indemnification required under Section 16, the AGENCY agrees to indemnify and hold harmless WRCOG, its officers, agents, consultants, and employees from any and all claims, demands, costs or liability arising from or connected with all activities governed by this Agreement including all design and construction activities, due to negligent acts, errors or omissions or willful misconduct of the AGENCY or its subcontractors. The AGENCY will reimburse WRCOG for any expenditures, including reasonable attorneys' fees, incurred by WRCOG, in defending against claims ultimately determined to be due to negligent acts, errors or omissions or willful misconduct of the AGENCY.

(b) WRCOG Responsibilities. WRCOG agrees to indemnify and hold harmless the AGENCY, its officers, agents, consultants, and employees from any and all claims, demands, costs or liability arising from or connected with all activities governed by this Agreement including all design and construction activities, due to negligent acts, errors or omissions or willful misconduct of WRCOG or its sub-consultants. WRCOG will reimburse the AGENCY for any expenditures, including reasonable attorneys' fees, incurred by the AGENCY, in defending against claims ultimately determined to be due to negligent acts, errors or omissions or willful misconduct of WRCOG.

(c) Effect of Acceptance. The AGENCY shall be responsible for the professional quality, technical accuracy and the coordination of any services provided to complete the Project. WRCOG's review, acceptance or funding of any services performed by the AGENCY or any other person or entity under this Agreement shall not be construed to operate as a waiver of any rights WRCOG may hold under this Agreement or of any cause of action arising out of this Agreement. Further, the AGENCY shall be and remain liable to WRCOG, in accordance with applicable law, for all damages to WRCOG caused by the AGENCY's negligent performance of this Agreement or supervision of any services provided to complete the Project.

19. Insurance. The AGENCY shall require, at a minimum, all persons or entities hired to perform the Project to obtain, and require their subcontractors to obtain, insurance of the types and in the amounts described below and satisfactory to the AGENCY and WRCOG. Such insurance shall be maintained throughout the term of this Agreement, or until completion of the Project, whichever occurs last.

(a) Commercial General Liability Insurance. Occurrence version commercial general liability insurance or equivalent form with a combined single limit of not less than \$1,000,000.00 per occurrence. If such insurance contains a general aggregate limit, it shall apply separately to the Project or be no less than two times the occurrence limit. Such insurance shall:

(i) Name WRCOG and AGENCY, and their respective officials, officers, employees, agents, and consultants as insured with respect to performance of the services on the Project and shall contain no special limitations on the scope of coverage or the protection afforded to these insured;

(ii) Be primary with respect to any insurance or self-insurance programs covering WRCOG and AGENCY, and/or their respective officials, officers, employees, agents, and consultants; and

(iii) Contain standard separation of insured provisions.

(b) Business Automobile Liability Insurance. Business automobile liability insurance or equivalent form with a combined single limit of not less than \$1,000,000.00 per occurrence. Such insurance shall include coverage for owned, hired and non-owned automobiles.

(c) Professional Liability Insurance. Errors and omissions liability insurance with a limit of not less than \$1,000,000.00 Professional liability insurance shall only be required of design or engineering professionals.

(d) Workers' Compensation Insurance. Workers' compensation insurance with statutory limits and employers' liability insurance with limits of not less than \$1,000,000.00 each accident.

20. Project Amendments. Changes to the characteristics of the Project, including the deadline for Project completion, and any responsibilities of the AGENCY or WRCOG may be requested in writing by the AGENCY and are subject to the approval of WRCOG's Representative, which approval will not be unreasonably withheld, provided that extensions of time for completion of the Project shall be approved in the sole discretion of WRCOG's Representative. Nothing in this Agreement shall be construed to require or allow completion of the Project without full compliance with the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; "CEQA") and the National Environmental Policy Act of 1969 (42 USC 4231 *et seq.*), if applicable, but the necessity of compliance with CEQA and/or NEPA shall not justify, excuse, or permit a delay in completion of the Project.

21. Conflict of Interest. For the term of this Agreement, no member, officer or employee of the AGENCY or WRCOG, during the term of his or her service with the AGENCY or WRCOG, as the case may be, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

22. Limited Scope of Duties. WRCOG's and the AGENCY's duties and obligations under this Agreement are limited to those described herein. WRCOG has no obligation with respect to the safety of any Project performed at a job site. In addition, WRCOG shall not be liable for any action of AGENCY or its contractors relating to the condemnation of property undertaken by AGENCY or construction related to the Project.

23. Books and Records. Each party shall maintain complete, accurate, and clearly identifiable records with respect to costs incurred for the Project under this Agreement. They shall make available for examination by the other party, its authorized agents, officers or employees any and all ledgers and books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or related to the expenditures and disbursements charged to the other party pursuant to this Agreement. Further, each party shall furnish to the other party, its agents or employees such other evidence or information as they may require with respect to any such expense or disbursement charged by them. All such information shall be retained by the Parties for at least four (4) years following termination of this Agreement, and they shall have access to such information during the four-year period for the purposes of examination or audit.

24. Equal Opportunity Employment. The Parties represent that they are equal opportunity employers and they shall not discriminate against any employee or applicant of reemployment because of race, religion, color, national origin, ancestry, sex or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

25. Governing Law. This Agreement shall be governed by and construed with the laws of the State of California.

26. Attorneys' Fees. If either party commences an action against the other party arising out of or in connection with this Agreement, the prevailing party in such litigation shall be entitled to have and recover from the losing party reasonable attorneys' fees and costs of suit.

27. Time of Essence. Time is of the essence for each and every provision of this Agreement.

28. Headings. Article and Section Headings, paragraph captions or marginal headings contained in this Agreement are for convenience only and shall have no effect in the construction or interpretation of any provision herein.

29. Public Acknowledgement. The AGENCY agrees that all public notices, news releases, information signs and other forms of communication shall indicate that the Project is being cooperatively funded by the AGENCY and WRCOG TUMF Program Funds.

30. No Joint Venture. This Agreement is for funding purposes only and nothing herein shall be construed to make WRCOG a party to the construction of the Project or to make it a partner or joint venture with the AGENCY for such purpose.

31. Compliance With the Law. The AGENCY shall comply with all applicable laws, rules and regulations governing the implementation of the Qualifying Project, including, where applicable, the rules and regulations pertaining to the participation of businesses owned or controlled by minorities and women promulgated by the Federal Highway Administration and the Federal Department of Transportation.

32. Notices. All notices hereunder and communications regarding interpretation of the terms of this Agreement or changes thereto shall be provided by the mailing thereof by registered or certified mail, return receipt requested, postage prepaid and addressed as follows:

If to AGENCY: City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509
Attention: Gary Thompson, City Manager
Telephone: 951-332-6464

If to WRCOG: Western Riverside Council of Governments
Riverside County Administrative Center
4080 Lemon Street, Third Floor
Riverside, California 92501-3609
Attention: Christopher Gray, Director of Transportation
Telephone: (951) 955-8304
Facsimile: (951) 787-7991

Any notice so given shall be considered served on the other party three (3) days after deposit in the U.S. mail, first class postage prepaid, return receipt requested, and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred regardless of the method of service.

33. Integration; Amendment. This Agreement contains the entire agreement between the PARTIES. Any agreement or representation respecting matters addressed herein that are not expressly set forth in this Agreement is null and void. This Agreement may be amended only by mutual written agreement of the PARTIES.

34. Severability. If any term, provision, condition or covenant of this Agreement is held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby.

35. Conflicting Provisions. In the event that provisions of any attached appendices or exhibits conflict in any way with the provisions set forth in this Agreement, the language, terms and conditions contained in this Agreement shall control the actions and obligations of the Parties and the interpretation of the Parties' understanding concerning the Agreement.

36. Independent Contractors. Any person or entities retained by the AGENCY or any contractor shall be retained on an independent contractor basis and shall not be employees of WRCOG. Any personnel performing services on the Project shall at all times be under the exclusive direction and control of the AGENCY or contractor, whichever is applicable. The AGENCY or contractor shall pay all wages, salaries and other amounts due such personnel in connection with their performance of services on the Project and as required by law. The AGENCY or consultant shall be responsible for all reports and obligations respecting such personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance and workers' compensation insurance.

37. Effective Date. This Agreement shall not be effective until executed by both Parties. The failure of one party to execute this Agreement within forty-five (45) days of the other party executing this Agreement shall render any execution of this Agreement ineffective.

38. No Third Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives to be effective on the day and year first above-written.

**WESTERN RIVERSIDE COUNCIL
OF GOVERNMENTS**

CITY OF JURUPA VALLEY

By: _____ Date: _____
Rick Bishop
Executive Director

By: _____ Date: _____
Mayor

Approved to Form:

Approved to Form:

By: _____ Date: _____
Steven C. DeBaun
General Counsel

By: _____ Date: _____

EXHIBIT “A”

SCOPE OF WORK

SCOPE OF WORK:

Limonite Avenue serves the cities of Jurupa Valley and Eastvale as one of the key regional east-west arterials. This project would widen Limonite Avenue from two (2) lanes to four (4) lanes from Etiwanda Avenue to Bain Street for approximately 1.0 mile.

The proposed improvements will generally include grading activities, pavement widening, curb and gutter construction, drainage facilities, relocating utilities, installing and/or modifying traffic signals, and acquiring right of way to accommodate the widening of the road.

The Project phase to be funded under this Agreement consists of the CONSTRUCTION phase only.

EXHIBIT “A-1”**ESTIMATE OF COST**

Phase	TUMF	LOCAL	TOTAL
PA&ED	\$103,000	\$150,000	\$253,000
PS&E	\$442,000	\$0.00	\$442,000
RIGHT OF WAY	\$0	\$490,500	\$490,500
CONSTRUCTION	\$658,000	\$4,080,969	\$4,738,969
TOTAL	\$1,203,000	\$4,721,469	\$5,924,469

The Project phase to be funded under this Agreement consists of the CONSTRUCTION phase only.

EXHIBIT “A-2”**PROJECT SCHEDULE****TIMETABLE:**

Phase	Estimated Completion Date	Estimated Cost	Comments
PA&ED	Completed	\$253,000	Completed, pending final invoice
PS&E	Completed	\$442,000	Completed, pending final invoice
RIGHT OF WAY	Completed	\$490,500	No TUMF Funding
CONSTRUCTION	July 2017	\$4,738,969	Ongoing
TOTAL		\$5,924,469	

Elements of Compensation

EXHIBIT “B”

PROCEDURES FOR SUBMITTAL, CONSIDERATION AND PAYMENT OF INVOICES

1. For professional services, WRCOG recommends that the AGENCY incorporate this Exhibit “B-1” into its contracts with any subcontractors to establish a standard method for preparation of invoices by contractors to the AGENCY and ultimately to WRCOG for reimbursement of AGENCY contractor costs.
2. Each month the AGENCY shall submit an invoice for eligible Project costs incurred during the preceding month. The original invoice shall be submitted to WRCOG’s Executive Director with a copy to WRCOG’s Project Coordinator. Each invoice shall be accompanied by a cover letter in a format substantially similar to that of Exhibit “B-2”.
3. For jurisdictions with large construction projects (with the total construction cost exceeding \$10 million) under construction at the same time, may with the approval of WRCOG submit invoices to WRCOG for payment at the same time they are received by the jurisdiction. WRCOG must receive the invoice by the 5th day of the month in order to process the invoice within 30 days. WRCOG will retain 10% of the invoice until all costs have been verified as eligible and will release the balance at regular intervals not more than quarterly and not less than semi-annually. If there is a discrepancy or ineligible costs that exceed 10% of the previous invoice WRCOG will deduct that amount from the next payment.
4. Each invoice shall include documentation from each contractor used by the AGENCY for the Project, listing labor costs, subcontractor costs, and other expenses. Each invoice shall also include a monthly progress report and spreadsheets showing the hours or amounts expended by each contractor or subcontractor for the month and for the entire Project to date. Samples of acceptable task level documentation and progress reports are attached as Exhibits “B-4” and “B-5”. All documentation from the Agency’s contractors should be accompanied by a cover letter in a format substantially similar to that of Exhibit “B-3”.
5. If the AGENCY is seeking reimbursement for direct expenses incurred by AGENCY staff for eligible Project costs, the AGENCY shall provide the same level of information for its labor and any expenses as required of its contractors pursuant to Exhibit “B” and its attachments.
6. Charges for each task and milestone listed in Exhibit “A” shall be listed separately in the invoice.
7. Each invoice shall include a certification signed by the AGENCY Representative or his or her designee which reads as follows:

"I hereby certify that the hours and salary rates submitted for reimbursement in this invoice are the actual hours and rates worked and paid to the contractors or subcontractors listed.

Signed _____

Title _____

Date _____

Invoice No. _____

8. WRCOG will pay the AGENCY within 30 days after receipt by WRCOG of an invoice. If WRCOG disputes any portion of an invoice, payment for that portion will be withheld, without interest, pending resolution of the dispute, but the uncontested balance will be paid.
9. The final payment under this Agreement will be made only after: (I) the AGENCY has obtained a Release and Certificate of Final Payment from each contractor or subcontractor used on the Project; (ii) the AGENCY has executed a Release and Certificate of Final Payment; and (iii) the AGENCY has provided copies of each such Release to WRCOG.

EXHIBIT “B-1”
[Sample for Professional Services]

For the satisfactory performance and completion of the Services under this Agreement, Agency will pay the Contractor compensation as set forth herein. The total compensation for this service shall not exceed (____INSERT WRITTEN DOLLAR AMOUNT____) (\$____INSERT NUMERICAL DOLLAR AMOUNT____) without written approval of Agency’s City Manager [or applicable position] (“Total Compensation”).

1. ELEMENTS OF COMPENSATION.

Compensation for the Services will be comprised of the following elements: 1.1 Direct Labor Costs; 1.2 Fixed Fee; and 1.3 Additional Direct Costs.

1.1 DIRECT LABOR COSTS.

Direct Labor costs shall be paid in an amount equal to the product of the Direct Salary Costs and the Multiplier which are defined as follows:

1.1.1 DIRECT SALARY COSTS

Direct Salary Costs are the base salaries and wages actually paid to the Contractor's personnel directly engaged in performance of the Services under the Agreement. (The range of hourly rates paid to the Contractor's personnel appears in Section 2 below.)

1.1.2 MULTIPLIER

The Multiplier to be applied to the Direct Salary Costs to determine the Direct Labor Costs is _____, and is the sum of the following components:

1.1.2.1 Direct Salary Costs _____

1.1.2.2 Payroll Additives _____

The Decimal Ratio of Payroll Additives to Direct Salary Costs. Payroll Additives include all employee benefits, allowances for vacation, sick leave, and holidays, and company portion of employee insurance and social and retirement benefits, all federal and state payroll taxes, premiums for insurance which are measured by payroll costs, and other contributions and benefits imposed by applicable laws and regulations.

1.1.2.3 Overhead Costs _____

The Decimal Ratio of Allowable Overhead Costs to the Contractor Firm's Total Direct Salary Costs. Allowable Overhead Costs include general, administrative and overhead costs of maintaining and operating established offices, and consistent with established firm policies, and as defined in the Federal Acquisitions Regulations, Part 31.2.

Total Multiplier
(sum of 1.1.2.1, 1.1.2.2, and 1.1.2.3) _____

1.2 FIXED FEE.

1.2.1 The fixed fee is \$_____.

1.2.2 A pro-rata share of the Fixed Fee shall be applied to the total Direct Labor Costs expended for services each month, and shall be included on each monthly invoice.

1.3 ADDITIONAL DIRECT COSTS.

Additional Direct Costs directly identifiable to the performance of the services of this Agreement shall be reimbursed at the rates below, or at actual invoiced cost.

Rates for identified Additional Direct Costs are as follows:

<u>ITEM</u>	<u>REIMBURSEMENT RATE</u>
	<u>[__insert charges__]</u>
Per Diem	\$ /day
Car mileage	\$ /mile
Travel	\$ /trip
Computer Charges	\$ /hour
Photocopies	\$ /copy
Blueline	\$ /sheet
LD Telephone	\$ /call
Fax	\$ /sheet
Photographs	\$ /sheet

Travel by air and travel in excess of 100 miles from the Contractor's office nearest to Agency's office must have Agency's prior written approval to be reimbursed under this Agreement.

2. DIRECT SALARY RATES

Direct Salary Rates, which are the range of hourly rates to be used in determining Direct Salary Costs in Section 1.1.1 above, are given below and are subject to the following:

- 2.1 Direct Salary Rates shall be applicable to both straight time and overtime work, unless payment of a premium for overtime work is required by law, regulation or craft agreement, or is otherwise specified in this Agreement. In such event, the premium portion of Direct Salary Costs will not be subject to the Multiplier defined in Paragraph 1.1.2 above.
- 2.2 Direct Salary Rates shown herein are in effect for one year following the effective date of the Agreement. Thereafter, they may be adjusted annually to reflect the Contractor's adjustments to individual compensation. The Contractor shall notify Agency in writing prior to a change in the range of rates included herein, and prior to each subsequent change.

<u>POSITION OR CLASSIFICATION</u>	<u>RANGE OF HOURLY RATES</u>
-----------------------------------	------------------------------

[sample]

Principal	\$.00 - \$.00/hour
Project Manager	\$.00 - \$.00/hour
Sr. Engineer/Planner	\$.00 - \$.00/hour
Project Engineer/Planner	\$.00 - \$.00/hour
Assoc. Engineer/Planner	\$.00 - \$.00/hour
Technician	\$.00 - \$.00/hour
Drafter/CADD Operator	\$.00 - \$.00/hour
Word Processor	\$.00 - \$.00/hour

- 2.3 The above rates are for the Contractor only. All rates for subcontractors to the Contractor will be in accordance with the Contractor's cost proposal.

3. INVOICING.

- 3.1 Each month the Contractor shall submit an invoice for Services performed during the preceding month. The original invoice shall be submitted to Agency's Executive Director with two (2) copies to Agency's Project Coordinator.
- 3.2 Charges shall be billed in accordance with the terms and rates included herein, unless otherwise agreed in writing by Agency's Representative.
- 3.3 Base Work and Extra Work shall be charged separately, and the charges for each task and Milestone listed in the Scope of Services, shall be listed separately. The charges for each individual assigned by the Contractor under this Agreement shall be listed separately on an attachment to the invoice.

- 3.4 A charge of \$500 or more for any one item of Additional Direct Costs shall be accompanied by substantiating documentation satisfactory to Agency such as invoices, telephone logs, etc.
- 3.5 Each copy of each invoice shall be accompanied by a Monthly Progress Report and spreadsheets showing hours expended by task for each month and total project to date.
- 3.6 If applicable, each invoice shall indicate payments to DBE subcontractors or supplies by dollar amount and as a percentage of the total invoice.
- 3.7 Each invoice shall include a certification signed by the Contractor's Representative or an officer of the firm which reads as follows:

I hereby certify that the hours and salary rates charged in this invoice are the actual hours and rates worked and paid to the employees listed.

Signed _____
 Title _____
 Date _____
 Invoice No. _____

4. PAYMENT

- 4.1 Agency shall pay the Contractor within four to six weeks after receipt by Agency of an original invoice. Should Agency contest any portion of an invoice, that portion shall be held for resolution, without interest, but the uncontested balance shall be paid.
- 4.2 The final payment for Services under this Agreement will be made only after the Contractor has executed a Release and Certificate of Final Payment.

EXHIBIT B-2
Sample Cover Letter to WRCOG

Date
 Western Riverside Council of Governments
 Riverside County Administrative Center
 4080 Lemon Street, Third Floor
 Riverside, California 92501-3679
 Attention: Deputy Executive Director
 ATTN: Accounts Payable

Re: Project Title - Invoice #__

Enclosed for your review and payment approval is the AGENCY's invoice for professional and technical services that was rendered by our contractors in connection with the 2002 Measure "A" Local Streets and Roads Funding per Agreement No. _____ effective (Month/Day/Year). The required support documentation received from each contractor is included as backup to the invoice.

Invoice period covered is from Month/Date/Year to Month/Date/Year.

Total Authorized Agreement Amount:	\$0,000,000.00
Total Invoiced to Date:	\$0,000,000.00
Total Previously Invoiced:	\$0,000,000.00
Balance Remaining:	\$0,000,000.00

Amount due this Invoice:	\$0,000,000.00 =====
---------------------------------	--------------------------------

I certify that the hours and salary rates charged in this invoice are the actual hours and rates worked and paid to the contractors listed.

By: _____
 Name
 Title

cc:

EXHIBIT B-3
Sample Letter from Contractor to AGENCY

Month/Date/Year

Western Riverside Council of Governments
 Riverside County Administrative Center
 4080 Lemon Street, Third Floor
 Riverside, California 92501-3679
 Attention: Deputy Executive Director
 Attn: Accounts Payable

Invoice # _____

For **[type of services]** rendered by **[contractor name]** in connection with **[name of project]**
 This is per agreement No. XX-XX-XXX effective Month/Date/Year.

Invoice period covered is from Month/Date/Year to Month/Date/Year.

Total Base Contract Amount:	\$000,000.00
Authorized Extra Work (if Applicable)	\$000,000.00

TOTAL AUTHORIZED CONTRACT AMOUNT:	\$000,000.00
 Total Invoice to Date:	 \$000,000.00
Total Previously Billed:	\$000,000.00
Balance Remaining:	\$000,000.00
 Amount Due this Invoice:	 \$000,000.00
	=====

I certify that the hours and salary rates charged in this invoice are the actual hours and rates worked and paid to the employees listed,

By: _____
 Name
 Title

**EXHIBIT B-4
SAMPLE TASK SUMMARY SCHEDULE
(OPTIONAL)**

EXHIBIT B-5
Sample Progress Report

REPORTING PERIOD: Month/Date/Year to Month/Date/Year
 PROGRESS REPORT: #1

A. Activities and Work Completed during Current Work Periods

TASK 01 – 100% PS&E SUBMITTAL

1. Responded to Segment 1 comments from Department of Transportation
2. Completed and submitted Segment 1 final PS&E

B. Current/Potential Problems Encountered & Corrective Action

Problems	Corrective Action
None	None

C. Work Planned Next Period

TASK 01 – 100% PS&E SUBMITTAL

1. Completing and to submit Traffic Signal and Electrical Design plans
2. Responding to review comments

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Western Riverside Council of Governments Executive Committee

Staff Report

Subject: PACE Programs Activities Update

Contact: Michael Wasgatt, Program Manager, wasgatt@wrcog.cog.ca.us, (951) 955-8301

Date: June 5, 2017

The purpose of this item is to provide the Committee with an update on the PACE Programs that WRCOG oversees under its PACE Umbrella. This includes the HERO Program, SAMAS PACE, CaliforniaFIRST, and Spruce PACE.

Requested Actions:

1. Receive Program summary update.
2. Approve the Administration & Finance Committee recommendation to move forward with including seismic strengthening improvements as eligible improvements for residential and commercial properties participating in the WRCOG PACE Programs, and adopt WRCOG Resolution Number 11-17; a Resolution of the Executive Committee of the Western Riverside Council of Governments declaring its intention to modify the WRCOG PACE Program Report and the California HERO Program Report to authorize the financing of seismic strengthening improvements and setting a public hearing thereon.
3. Approve the Administration & Finance Committee recommendation to not proceed with establishing an SB 555 Program.
4. Approve the Administration & Finance Committee recommendation to not include proposed eligible products for CaliforniaFIRST in the PACE Program Report.
5. Approve the Auditor-Controller agreement with the County of Amador and authorize the Executive Director to execute such agreement.
6. Adopt WRCOG Resolution Number 16-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments making certain representations and authorizing the placement of assessments on the tax roll in various counties for the WRCOG and California HERO Programs.
7. Adopt WRCOG Resolution Number 17-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments making certain representations and authorizing the placement of assessments on the tax roll in Riverside County for the CaliforniaFIRST Program.

WRCOG's PACE Programs provide financing to property owners to implement a range of energy saving, renewable energy, and water conserving improvements to their homes and businesses. Improvements must be permanently fixed to the property and must meet certain criteria to be eligible for financing. Financing is paid back through a lien placed on the property tax bill. The HERO Program was initiated in December 2011 and has been expanded (an effort called "California HERO") to allow for jurisdictions throughout the state to join WRCOG's Program and allow property owners in these jurisdictions to participate. The CaliforniaFIRST Program has launched and the Spruce PACE Programs is anticipated to launch in Summer 2017.

Overall HERO Program Activities Update

Residential: As of May 19, 2017, nearly 71,000 projects in both the WRCOG and California HERO Programs have been completed, totaling more than \$1.4 billion in eligible renewable energy, energy efficiency and water efficiency financing. (Attachments 1 & 2)

Statewide Program: As of this writing, 369 jurisdictions outside the WRCOG and San Bernardino Council of Governments (formerly known as San Bernardino Associated Governments) subregions have adopted Resolutions of Participation for the California HERO Program. Over 45,000 projects have been completed, totaling over \$980 million (Attachment 3).

The table below provides a summary of the total estimated economic and environmental impacts for projects completed in both the WRCOG and the California HERO Programs to date:

Economic and Environmental Impacts Calculations	
KW Hours Saved – Annually	640 GWh
GHG Reductions – Annually	165,942 Tons
Gallons Saved – Annually	443 Million
\$ Saved – Annually	\$84 Million
Projected Annual Economic Impact	\$2.5 Billion
Projected Annual Job Creation/Retention	12,467 Jobs

The table below provides a summary of the types of projects completed in both the WRCOG and the California HERO Programs:

Project Data	
HVAC	30.0%
Windows / Doors	19.2%
Solar	19.5%
Roofing	10.8%
Landscape	9.0%

Quality Assurance Call Center Update

On March 14, 2017, WRCOG began implementing quality assurance calls with property owners participating in WRCOG's PACE Programs. WRCOG believes that adding a quality assurance call will provide the homeowner with an additional opportunity to ask questions and/or receive clarification regarding their improvements, funding amounts, payments, etc.

WRCOG staff is currently pursuing software options to automate processes, including data integration and tracking, and plan to implement Customer Response Management software in early June 2017. Once this system is implemented, in addition to contacting all homeowners within the WRCOG subregion, staff will expand outreach to additional CA HERO counties, with the goal of reaching 100% coverage by the end of summer 2017.

PACE Update

The following provides an overview of actions recently taken by the Administration & Finance Committee.

Addition of Seismic Strengthening Projects: On April 12, 2017, the WRCOG Administration & Finance Committee received a recommendation from the PACE Ad Hoc Committee to consider adding seismic strengthening projects as an eligible improvement for WRCOG's residential and commercial PACE Programs. Currently, WRCOG's PACE Programs only finance eligible renewable energy, energy efficient, or water saving products, because the Programs are authorized under AB 811 and AB 474.

The ability to finance seismic strengthening projects through PACE was authorized under SB 602 (Chaptered 2015). To date, several other PACE Programs offer seismic strengthening projects as an eligible improvement

and several larger jurisdictions (Los Angeles and Berkeley) have requested that PACE include seismic strengthening projects to fit their local ordinances to safely retrofit commercial buildings.

The Administration & Finance Committee is recommending that the Executive Committee direct staff to begin the process of including seismic strengthening projects for both residential and commercial property owners as an eligible PACE improvement. To complete this action, the Executive Committee will need to amend the PACE Program Reports and adopt WRCOG Resolution 11-17 to consider the modification of the Program Report by setting a public hearing for July 10, 2017 (Attachment 4). If approved, staff will bring forward at the July Executive Committee meeting the amended Program Reports that will include supplemental policies, procedures, eligible products and an "Opt-In Notice" for each Associate Member.

What is eligible to finance?

As an initial start, staff has collected information on the types of seismic improvements that are included in seismic programs as eligible improvements. These include the items listed below. These items will be included in the Program Report, which will be brought back to the Committee for consideration in July 2017.

Structural Retrofits

Superstructure strengthening

- Foundations
- Lateral support systems
- Shear Walls
- Moment & Brace Frames
- Diaphragm strengthening

Non-Structural Retrofits

Supplemental bracings and supports

- Lighting
- Ceilings
- Equipment
- Ductwork

Indirect & Soft Costs (staff will explore the legal rationale for why these have been included in other programs)

- Architecture & Engineering Fees
- Surveys
- Contractor General Conditions & Fees
- Financing, legal & other fees

What actions does the WRCOG Executive Committee need to take to move forward with financing seismic strengthening improvements in the WRCOG subregion?

If the Executive Committee is in favor of authorizing the financing of seismic strengthening improvements, the Executive Committee would adopt a Resolution of Intention (Attachment 7) to authorize staff to modify both the WRCOG Program Report and the California HERO Program Report to authorize the financing of seismic strengthening improvements. This Resolution also sets a public hearing for July 10, 2017, to adopt the Program Reports changes and to authorize the financing of seismic strengthening improvements through both the WRCOG and California HERO Programs.

Does a member jurisdiction or an Associate Member have to add seismic strengthening as an eligible improvement?

No. This is an "opt-in" option for the member jurisdictions, as well as the Associate Members. If a member jurisdiction and/or Associate Member does not want to include these products, the jurisdiction or Associate Member does not need to take action. However, staff would appreciate if the jurisdiction or the Associate Member would notify WRCOG staff of its desire to not move forward.

What action does a member jurisdiction need to take to include with financing retrofit strengthening?

If a member jurisdiction wants to add the financing of seismic strengthening in its boundaries, the member jurisdiction will need to adopt a Resolution and an amendment to its Implementation Agreement with WRCOG. Members may remember that in order for WRCOG to offer PACE Programs within their boundaries, each member adopted a Resolution of Participation and an Implementation Agreement that allows WRCOG to implement the Programs within their boundaries.

What action do the WRCOG Associate Members need to take to include financing of seismic strengthening projects as PACE eligible project?

Again, there is an “Opt-In” option being made available. If an Associate Member would like to move forward, the Associate Member would need to adopt a resolution adding seismic strengthening to the eligible improvements within its boundaries. BB&K is currently developing the “Opt-In Resolution” that staff will transmit to each Associate Member with a timeline of when that Associate Member would need to take action if it wants to offer seismic strengthening as an eligible project to its property owners. Staff expects to amend the WRCOG and California HERO Program Reports every six months to include additional Associate Members that have adopted the “Opt-In” Resolution. Each jurisdiction that chooses to “Opt-In” would need to be included in the Program Report as an eligible jurisdiction and only after that point, the Programs would begin offering seismic strengthening projects within their boundaries.

CaliforniaFIRST Eligible Products

Under AB 811, PACE finances energy efficient products that are permanently fixed to the property. CaliforniaFIRST has recently amended its Program Report with California Statewide Community Development Authority (CSCDA), its bond issuer and oversight authority for its statewide program, to offer additional products and has requested that WRCOG also include these as eligible products for its Program under the WRCOG PACE umbrella.

On April 12, 2017, the WRCOG Administration & Finance Committee accepted the PACE Ad Hoc Committee recommendation to **not** include these additional products as eligible improvements to its Program under WRCOG’s PACE Umbrella, as both Committees do not consider such products to be “permanently attached.” Staff is seeking support from the Executive Committee to approve the Administration & Finance’s recommendation to not approve these products as eligible for PACE financing.

Staff does want to make the Committee aware that the CaliforniaFIRST statewide Program (which includes the County of Riverside unincorporated and the cities of Moreno Valley, Riverside, and San Jacinto) does include the following products and financing terms. Therefore, these additional eligible products available for financing within the boundaries of those jurisdictions.

Product	Max Financing Term
Interior Window Treatment	10
Dishwasher	10
Refrigerator	15
Clothes Washer	10
Clothes Dryer	10
Freezer	15
Water Softener	20
Pool Filter	5
Enabling Work	5

SB 555 Programs: On April 12, 2017, the Administration & Finance Committee received a report and recommendation from the PACE Ad Hoc Committee regarding whether or not to pursue an SB 555 Program, which was requested by Ygrene, a PACE provider operating in jurisdictions throughout California. There are a few distinguishing characteristics between a SB 555 Program, which operates under the Mello Roos Act and an AB 811 Program (WRCOG’s PACE Programs) which operates under the Assessment laws. In addition,

under a SB 555 Program, only the amount going onto the current tax year is recorded on a yearly basis, whereas, under AB 811, the full assessment amount is recorded against the property.

Upon weighing the pros and cons, the Administration & Finance Committee are recommending that the Executive Committee **not** pursue the development of an SB 555 Program. The main reasoning for this is that Ygrene, which is the only PACE provider that offers an SB 555 Program, also has the ability to operate an AB 811 Program, which it has not done to date. In addition, consensus from the Administration & Finance Committee members was that Ygrene would be able to go through our vetting process as an AB 811 Program and not necessitate additional costs to WRCOG for implementing a new Program. Staff recommends that the Executive Committee support the recommendation from the Administration & Finance Committee to not pursue the development of an SB 555 program.

Amador County Auditor-Controller Agreement:

In order to place PACE assessments on the tax roll for unincorporated areas of the County of Amador, the County of Amador requires the WRCOG Executive Committee to approve an Agreement for Collection of Taxes and Special Contractual Assessments (Attachment 5) making the following representation: (a) Special assessments for the Authority will be collected by the County at the same time and in the same manner as County taxes are collected and the Authority will pay to the County the fees for collection. The Executive Committee is also requested to authorize the Executive Director to execute such Agreement.

Levy of Assessments: Assessment contracts have been entered into within the Counties of Alameda, Contra Costa, Del Norte, El Dorado, Fresno, Imperial, Kings, Los Angeles, Marin, Mariposa, Mendocino, Mono, Napa County, Nevada, Orange, Sacramento, San Diego, Santa Clara, Santa Cruz, City and of San Francisco, San Joaquin, San Luis Obispo, Solano, Sonoma, Stanislaus, Tehama, Tulare and Ventura. Many of these Counties require one or more of the following representations to be made in order to place the HERO assessment on the tax roll of such County: a) WRCOG is authorized to levy the assessments; b) the assessments are levied in compliance with all applicable laws; c) the assessments are exempt or in compliance with the provisions of Proposition 218; and d) the delinquent assessments will be removed from the tax roll as required by the Master Indenture.

Instead of bringing multiple resolutions for action by the Executive Committee, WRCOG's bond counsel has developed Resolution Number 16-17 (Attachment 6) that can be used for any County that requires the aforementioned representations. The proposed Resolution makes such representations and authorizes the levy of assessments within various Counties for Fiscal Year 2017/2018 and subsequent fiscal years.

For the CaliforniaFIRST Program, WRCOG's bond counsel has developed Resolution Number 17-17 (Attachment 7) that can be used for Riverside County that requires the aforementioned representations. The proposed Resolution makes such representations and authorizes the levy of assessments within Riverside County for Fiscal Year 2017/2018 and subsequent fiscal years

Prior Actions:

May 1, 2017: The Executive Committee continued the Public Hearing Regarding the Inclusion of the Cities of Marysville and Shasta Lake until June 5, 2017, and continued the remaining items to its next meeting, due to time constraints.

April 20, 2017: The Technical Advisory Committee received report.

April 12, 2017: The Administration & Finance Committee 1) concurred with the recommendation from the PACE Ad Hoc Committee to amend the Program Report to include seismic retrofit products for residential and commercial properties; 2) concurred with the recommendation from the PACE Ad Hoc Committee to not proceed with establishing a SB 555 Program; and 3) concurred with the recommendation from the PACE Ad Hoc Committee to not include proposed eligible products in the PACE Program Report.

April 3, 2017: The Executive Committee 1) received WRCOG HERO Summary; 2) conducted a Public hearing Regarding the Inclusion of the Cities of Cupertino and Susanville for purposes of considering the modification of the Program Report for the California HERO Program to increase the Program Area to include such additional jurisdictions and to hear all

interested persons that may appear to support or object to, or inquire about the Program; 3) adopted WRCOG Resolution Number 08-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments Confirming Modification of the California HERO Program Report So As to Expand the Program Area Within Which Contractual Assessments May Be Offered; 4) accepted the Cities of Marysville and Shasta Lake as Associate Members of the Western Riverside Council of Governments; 5) adopted WRCOG Resolution Number 09-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments Declaring its Intention to Modify the California HERO Program Report so as to Increase the Program Area Within Which Contractual Assessments May Be Offered And Setting A Public Hearing Thereon; and 6) adopted WRCOG Resolution 10-17; A Resolution of the Western Riverside Council of Governments Authorizing the Issuance of Spruce PACE Bonds, Amending the Program Report and Approving the Forms of a Professional Administration Agreement with Spruce PACE, a Master Indenture and Supplemental Indenture, Bond Purchase Agreement, Professional Services Agreement for Assessment Administration for the Issuance of bonds for the WRCOG Spruce PACE Program and Appointing a Trustee.

Fiscal Impact:

HERO revenues and expenditures for the WRCOG and California HERO Programs are allocated in the Fiscal Year 2016/2017 Budget under the Energy Department. Additional staff and legal costs incurred to include seismic strengthening projects as an eligible installation will be recovered in the project administration costs.

Attachments:

1. HERO Program Summary Update.
2. WRCOG HERO snapshot.
3. CA HERO snapshot.
4. WRCOG Resolution Number 11-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments declaring its intention to modify the WRCOG Program Report and the California HERO Program Report to authorize the financing of seismic strengthening improvements and setting a public hearing thereon.
5. Auditor Controller agreement for collection of taxes and special contractual assessments for Amador County.
6. WRCOG Resolution Number 16-17: A Resolution of the Executive Committee of the Western Riverside Council of Governments making certain representations and authorizing the placement of assessments on the tax roll in various counties for the WRCOG and California HERO Programs.
7. WRCOG Resolution Number 17-17: A Resolution of the Executive Committee of the Western Riverside Council of Governments making certain representations and authorizing the placement of assessments on the tax roll in Riverside County for the CaliforniaFIRST Program.

Item 4.G

PACE Programs Activities Update

Attachment 1

HERO Program Summary Update

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HERO Program Summary Update

(Launch through 5/19/17)

City	Approved Apps	Approved Amount
Banning	525	\$14,483,069
Calimesa	171	\$7,032,720
Canyon Lake	542	\$28,722,338
Corona	3,098	\$171,095,582
County	6,334	\$315,659,411
Eastvale	844	\$54,143,628
Hemet	1,157	\$30,214,516
Jurupa Valley	2,023	\$84,429,910
Lake Elsinore	1,369	\$53,298,643
Menifee	2,529	\$92,221,502
Moreno Valley	4,679	\$161,063,268
Murrieta	2,654	\$126,048,950
Norco	716	\$41,885,362
Perris	978	\$32,122,757
Riverside	5,973	\$257,278,208
San Jacinto	716	\$20,942,259
Temecula	2,504	\$131,821,190
Wildomar	892	\$35,650,831
	37,704	\$1,658,114,144

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Item 4.G

PACE Programs Activities Update

Attachment 2

WRCOG HERO snapshot

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WRCOG - Western Riverside Council of Governments - WRCOG Program

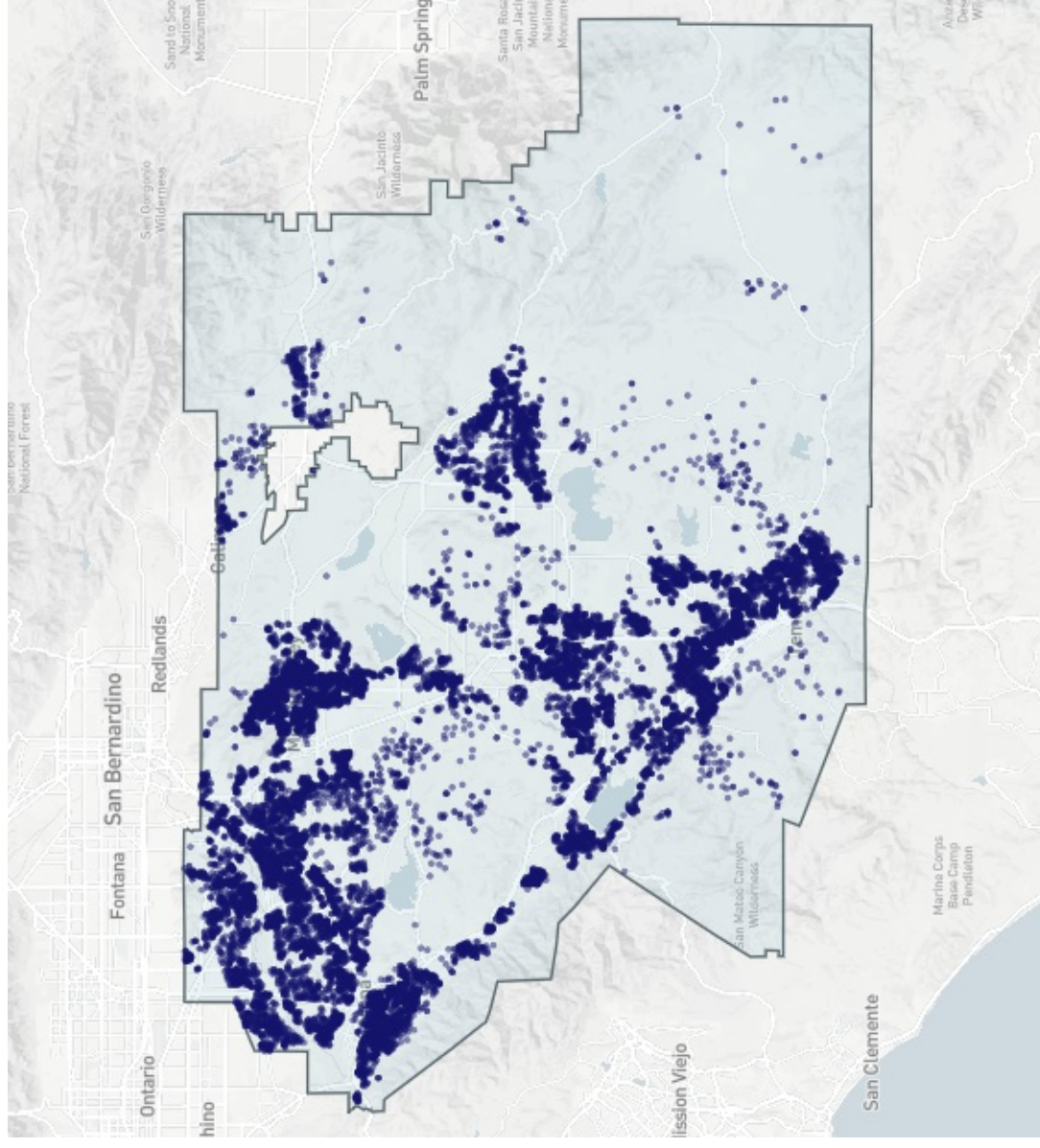
19,949 Homes Improved

12/14/2011

HERO Launch Date

460,867

Housing Count



01/01/2011 - 05/19/2017

Report Range

Improvements

Type	Total Installed	Bill Savings
Energy	26.8K	\$308M
Solar	12.8K	\$540M
Water	1,806	\$15.1M

Lifetime Impact

Applications Submitted	55.0K
Applications Approved	37.5K
Funded Amount	\$455M
Economic Stimulus	\$788M
Jobs Created	3,863
Energy Saved	3.30B kWh
Emissions Reduced	891K tons
Water Saved	1.62B gal

Learn how these numbers are calculated at <https://www.herogov.com/faq>

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Item 4.G

PACE Programs Activities Update

Attachment 3

CA HERO snapshot

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41,917

Homes Improved

02/10/2014

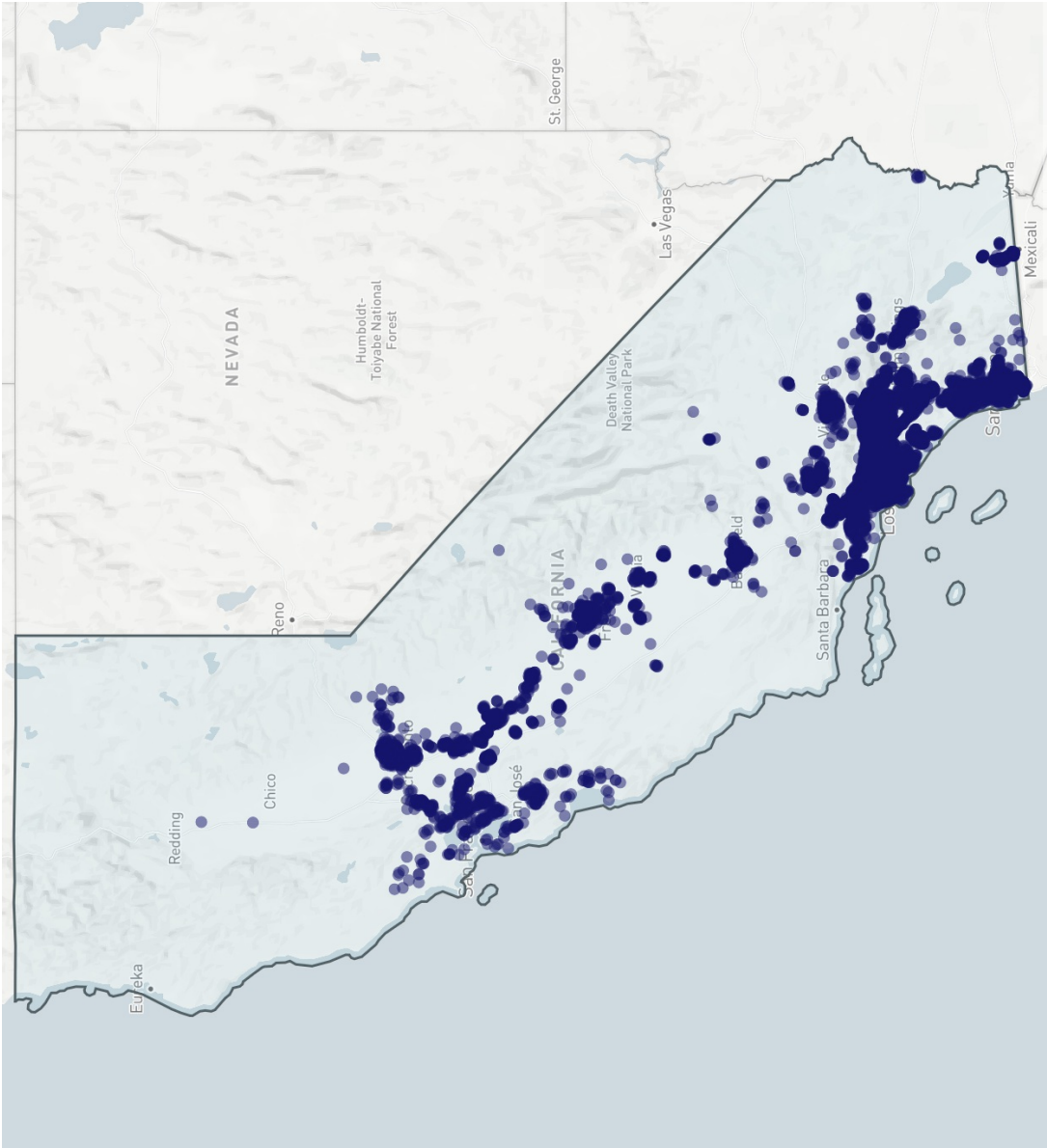
HERO Launch Date

5,894,972

Housing Count

02/10/2014 - 05/19/2017

Report Range



Type	Total Installed	Bill Savings
Energy	59.6K	\$714M
Solar	23.6K	\$1.09B
Water	4,395	\$37.3M

Lifetime Impact

Applications Submitted	117K
Applications Approved	87.0K
Funded Amount	1.01B
Economic Stimulus	\$1.76B
Jobs Created	8,605
Energy Saved	6.45B kWh
Emissions Reduced	1.71M tons
Water Saved	3.97B gal

Learn how these numbers are calculated at <https://www.herogov.com/faq>

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Item 4.G

PACE Program Activities Update

Attachment 4

WRCOG Resolution Number 11-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments declaring its intention to modify the WRCOG Program Report and the California HERO Program Report to authorize the financing of seismic strengthening improvements and setting a public hearing thereon

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RESOLUTION NUMBER 11-17

A RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS DECLARING ITS INTENTION TO MODIFY THE WRCOG PROGRAM REPORT AND THE CALIFORNIA HERO PROGRAM REPORT TO AUTHORIZE THE FINANCING OF SEISMIC STRENGTHENING IMPROVEMENTS AND SETTING A PUBLIC HEARING THEREON

WHEREAS, the Executive Committee previously initiated proceedings pursuant to Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code (the "Chapter 29") to permit the provision of Property Assessed Clean Energy (PACE) services ("PACE Services") within those cities and the County of Riverside that are members of WRCOG (each, a "Members"), approved a report (the "WRCOG Program Report") addressing all of the matters set forth in Section 5898.22 and 5898.23 of Chapter 29 and established and ordered the implementation of a voluntary contractual assessment program to be known as the "Energy Efficiency and Water Conservation Program for Western Riverside County" (the "WRCOG Program") to assist property owners within the jurisdictional boundaries of such Members with the cost of installing distributed generation renewable energy sources, energy and water efficient improvements and electric vehicle charging infrastructure that are permanently affixed to their properties ("Authorized Improvements"); and

WHEREAS, the Executive Committee subsequently initiated proceedings pursuant to Chapter 29 to permit the provision of PACE Services within those cities and counties outside of WRCOG that have taken action to become Associate Members of WRCOG, approved a report (the "California Program Report") addressing all of the matters set forth in Section 5898.22 and 5898.23 of Chapter 29 and established and ordered the implementation of a voluntary contractual assessment program to be known as the "California Program" (the "California Program") to assist property owners within the jurisdictional boundaries of such Associate Members with the cost of installing Authorized Improvements; and

WHEREAS, in approving the WRCOG Program Report and the California Program Report, the Executive Committee also established the Authorized Improvements that may be financed under the WRCOG Program and the California Program; and

WHEREAS, Section 5899 of Chapter 29 authorizes WRCOG to assist property owners within the jurisdictional boundaries of the Members participating in the WRCOG Program and the Associate Members participating in the California Program to finance the installation of seismic strengthening improvements that are permanently fixed to residential, commercial, industrial, agricultural, or other real property, including, but not limited to, the seismic strengthening of cripple walls and sill plate anchorage of light, woodframed buildings ("Seismic Improvements"); and

WHEREAS, the Executive Committee hereby determines that it would be convenient, advantageous and in the public interest to adopt this Resolution of Intention, order a public hearing and confirm the amendment to the WRCOG Program Report and the California Program Report to add Seismic Improvements as improvements to be financed by contractual assessments to the list of Authorized Improvements.

NOW, THEREFORE, BE IT RESOLVED by the Executive Committee of the Western Riverside Council of Governments as follows:

Section 1. The Executive Committee declares its intention to modify the WRCOG Program Report and the California Program Report so as to authorize the financing of Seismic Improvements to assist property owners within the jurisdictional boundaries of the Members participating in the WRCOG Program and the Associate Members participating in the California Program.

Section 2. Public Hearing. Pursuant to Chapter 29, the Executive Committee hereby orders that a public hearing to be held before the Executive Committee in the First Floor Board Chambers, County of Riverside Administration Center, 4080 Lemon Street, Riverside, California, at 2:00 p.m. on June 5, 2017, or such later date and time selected by the Executive Director, for the purposes of allowing interested persons to object to or inquire about the proposed amendment to the WRCOG Program Report and the California Program Report to authorize the financing by contractual assessments of Seismic Improvements to assist property owners within the jurisdictional boundaries of the Members participating in the WRCOG Program and the Associate Members participating in the California Program. The public hearing may be continued from time to time as determined by the Executive Committee for a time not exceeding a total of 180 days.

At the time of the hearing, the proposed amendment to the WRCOG Program Report and the California Program Report shall be summarized, and the Executive Committee shall afford all persons who are present an opportunity to comment upon, object to, or present evidence with regard to the addition of Seismic Improvements to the list of Authorized Improvements in order to authorize the financing by contractual assessments of Seismic Improvements to assist property owners within the jurisdictional boundaries of the Members participating in the WRCOG Program and the Associate Members participating in the California Program and the Executive Committee may adopt a resolution confirming the amendment to the WRCOG Program Report and the California Program Report, or may abandon the proceedings.

Section 3. Notice of Public Hearing. The Secretary of the Executive Committee is hereby directed to provide notice of the public hearing by publishing such notice once a week for two weeks, pursuant to Section 6066 of the California Government Code, and the first publication shall occur not later than 20 days before the date of such hearing in a newspaper of general circulation for WRCOG.

Section 4. Amended WRCOG Program Report and California Program Report. The Executive Committee hereby directs the Executive Director to prepare and file or cause the preparation and filing with the Executive Committee of an amended WRCOG Program Report and an amended California Program Report to add Seismic Improvements to the list of Authorized Improvements at or before the time of the public hearing described in Section 2 above.

Section 5. Effective Date of Resolution. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Executive Committee of the Western Riverside Council of Governments held on June 5, 2017.

Ben Benoit, Chair
WRCOG Executive Committee

Rick Bishop, Secretary
WRCOG Executive Committee

Approved as to form:

Best Best & Krieger LLP
WRCOG Bond Counsel

AYES: _____ NOES: _____ ABSENT: _____ ABSTAIN: _____

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Item 4.G

PACE Program Activities Update

Attachment 5

Auditor Controller agreement for
collection of taxes and special
contractual assessments for Amador
County

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AGREEMENT FOR COLLECTION OF TAXES AND SPECIAL CONTRACTUAL ASSESSMENTS

THIS AGREEMENT made and entered into this day of _____, by and between the COUNTY OF AMADOR, hereinafter referred to as the "County" and _____, a _____, hereinafter referred to as the "Authority."

RECITALS

WHEREAS, the parties desire to enter into an agreement whereby special assessments for the Authority will be collected by the County at the same time and in the same manner as County taxes are collected and the Authority will pay to the County the fees for collection hereinafter set forth; and

WHEREAS, Section 29142 of the Government Code provides that when taxes or assessments are collected by a county for any special district, or zone, or improvement district thereof, excluding a school district, the board of supervisors may provide for a collection fee for such services; and

WHEREAS, Section 29304 of the Government Code provides that whenever any special assessment or special assessment taxes are levied upon land or real property by any city, county, district or other public corporation, and the same are to be collected by a County, there shall be added to the amount of the special assessment or special assessment tax an amount fixed by agreement between the county and city, district, public corporation, officer, or body for each special assessment or special assessment tax to be collected; and

WHEREAS, the parties to this Agreement desire to provide for the imposition of a collection fee for fixed charge special taxes or assessments and for correction of errors; and

WHEREAS, when requested by Authority, the County will collect on the County tax rolls the special taxes, fees, or assessments for Authority; and

WHEREAS, except as agreed to by separate contract, the County will not be responsible for the conduct of any assessment proceedings, or the levy and collection of assessments or any required remedial action in the case of delinquencies in the payment of any assessments, other than collection on the secured roll in accordance with Division 1 of the Revenue and Taxation Code, nor shall the County be responsible for the issuance, sale or administration of any bonds issued in connection with any Authority program.

NOW THEREFORE, the parties agree as follows:

1. Collection Services. The County will collect for the Authority all Authority special taxes or fixed charge special assessments entered on the County's assessment roll and levied by or on behalf of the Authority, said taxes and assessments to be collected at the same time and in the same

manner as County taxes are collected and all laws applicable to the levy, collection and enforcement of County taxes shall be and are hereby made applicable to such taxes and assessments. (Provided, however, that County does not buy-out (Teeter) unpaid taxes, special assessments, and/or property-related fees at the end of the fiscal year, but instead will transfer them to the delinquent tax roll for collection.) Notwithstanding the foregoing, County will not collect for Authority any special taxes, special assessments, and/or property-related fees levied upon any real property, including publicly-owned real property, not appearing on County's Secured Tax Roll. Authority will adhere to the policies and procedures established by the Amador County Auditor-Controller.

2. Collection Cost Recovery Amounts. Unless otherwise provided by law, or as may be modified pursuant to this Agreement, a collection cost recovery amount of \$2.00 per parcel, a Correction Charge of \$25.00 per parcel, and a one-time, initial set up cost recovery amount of \$250.00 shall be imposed for each special tax, fee or assessment that is to be collected on the County tax rolls by the County for the Authority. If Authority levies multiple special taxes, special assessments, and/or property-related fees upon the same parcel(s), a separate charge shall be paid for each special tax, special assessment, or property-related fee. This charge shall be included within the amounts certified to County pursuant to Section 4 of this Agreement. Authority is responsible to ensure that this charge is included in the amount of the special tax, special assessment, or property-related fee approved in accordance with applicable law, including but not limited to Articles XIIC and XIID of the California Constitution (Proposition 218). The total charges to be paid to the County hereunder will be deducted by the Auditor-Controller from the total amount of money collected for Authority before remittal of the balance to Authority. Authority hereby waives any right it may have under Government Code section 907 and to protest the deduction of the amounts specified in this Section. Authority acknowledges and agrees that County will not be required to notify Authority of its intent to deduct such amounts except by execution of this Agreement.

3. Transmission of Information. On or before August 10th of each year (unless an earlier date is specified by law) the Authority shall certify and deliver to the County Auditor an assessment roll showing the amount of the special tax or assessment against each parcel of land (which shall be designated by tax-rate area and assessment number, *i.e.*, parcel number appearing on the County Secured Assessment Roll) to be collected by the County for the Authority. In cases where the Authority levies a fixed charge special tax or assessment that is to be collected in installments over a period of years, the Authority shall compute annually the amount due as to each parcel shown on the County Secured Assessment Roll for the year in which it is to be collected and shall deliver to the County Auditor annually on or before August 10th (unless an earlier date is specified by law) the assessment roll showing the installment against each such parcel of land to be collected by the County for the Authority.

4. Certification to County. The Authority shall certify to the County Auditor-Controller the fixed charge special taxes, fees, or assessments in a dollar amount to be applied on each parcel of real property, which parcel shall be designated by the assessment (*i.e.*, parcel) number shown on the County Secured Assessment Roll for the year in which the special tax, fee or assessment is to be

collected. The amounts certified shall include the charges payable to County pursuant to Section 2 of this Agreement.

5. Verification by Authority. Authority is responsible for the validity and accuracy of the amount of the special tax, special assessment, or property-related fee, as well as the assessor parcel number to which it is being charged. It shall be the obligation of the Authority prior to the time of delivery to the County of the fixed charge special tax or assessment roll to check the County Secured Assessment Roll after it is filed by the County Assessor with the County Auditor to verify that the parcel numbers on the assessment roll for fixed charge special taxes or assessments certified by the Authority correspond with the assessment (*i.e.*, parcel) numbers shown on the County Secured Assessment Roll; any changes in special tax or assessment data previously certified to the County Auditor by the Authority which changes occur as a result of such verification shall be certified by the Authority to the County Auditor no later than August 10.

6. Submission of Data in Machine Readable Form. The performance by the County of the collection function for a charge as provided for in paragraph 2 above is conditioned upon the delivery by the Authority to the County Auditor of the required data and information for the collection of fixed charge special taxes or assessments in such "machine readable form" as may be acceptable to the County Auditor for use in, the County's electronic data processing equipment. In the event the information is not submitted in such machine readable form, the County will reject the data and notify the Authority to submit in the acceptable machine readable form. Annually, prior to July 1, the County Auditor will furnish the Authority with the format of the machine readable information necessary to process the special tax and/or assessment.

7. Incorrect Information. The County will not be obligated to enter on the County's assessment roll or to collect fixed charge special taxes or assessments where the Authority has furnished incorrect assessment numbers, *i.e.*, assessment or parcel numbers which do not correspond with assessment or parcel numbers shown on the County secured roll to which such assessments are to be added, or where the Authority has not furnished the information at the time or in the form specified. In such cases the County may return the assessment to the Authority. If the Authority determines that the assessment is to be placed on the County secured assessment roll for an ensuing year, the Authority may certify the information to the County between July 1st and August 10th of the ensuing year.

8. Charge for Sale and Deed to Authority. The Authority will pay to the County any expense incurred by the County in the event the County Tax Collector is required to sell or deed lands to the Authority, rather than to the State, for nonpayment of special taxes or assessments.

9. Modification of Collection Fees and Charges. The County, through the Auditor's Office, reserves the right to increase or decrease any charges herein provided in proportion to any changes in costs incurred by the County in providing the services described herein, provided that written

notice of any increase or decrease in charges shall be given by the County to the Authority on or before May 15 of any year during the term of the Agreement.

10. Term of Agreement. All existing agreements between the County and Authority pertaining to collection of special taxes and assessments by the County for the Authority shall be terminated upon the execution of this Agreement. This Agreement shall continue from year to year and shall be subject to cancellation by either party by giving written notice to the other party of cancellation on or before July 1 of any year during the term of this Agreement.

11. Unusual Occurrences. Authority shall cooperate with the County Auditor-Controller to process and handle, special situations and unusual items not addressed elsewhere in this Agreement.

12. Legal Authorization. Authority shall annually provide a copy of the Authority governing body's certified Resolution or Ordinance authorizing the special tax, special assessment, or property-related fee to be collected on the secured tax bill. Such Resolution or Ordinance will reference the legal authority for such levy, the legal authority to place the special tax, special assessment, or property-related fee on the secured tax bill, and the "order" to the Auditor-Controller to place the special tax assessment on the secured tax bill for the current tax year. Authority warrants and represents that the special taxes, special assessments and/or property-related fees imposed by Authority and collected pursuant to this Agreement comply with all requirements of state and federal law, including but not limited to Articles XIII A, XIII C and XIII D of the California Constitution.

13. Indemnification. The Authority agrees to defend and indemnify the County, its agents, officers and employees (the "County Parties") from any demands, liability, losses, damages, expenses, charges or costs of any kind or character, including attorneys' fees and court costs (collectively, Claims) arising from the County's performance under this Agreement. Authority further releases and forever discharges the County of Amador and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of Authority's responsibility under this agreement or other action taken by Authority in establishing the special tax, special assessment, or property-related fee and implementing collection of special taxes, special assessments and/or property-related fees as contemplated in this Agreement. Without limiting the generality of the foregoing, Authority shall hold harmless, defend, and indemnify County and its elected and appointed officers, officials, employees, and agents, from and against any claim or suit to determine the legality of the special tax, special assessment, or property-related fee, or arising from or related to the accuracy of the information provided by Authority, or any procedures employed by the County or its officers or employees in the collection of the special tax, special assessment, or property-related fee. If any judgment is entered against any indemnified party as a result of action taken to implement this Agreement, Authority agrees that the County of Amador may offset the amount of any judgment paid by the County of Amador or by any indemnified party from any monies collected by the

County of Amador on Authority's behalf, including property taxes, special taxes, fees, or assessments. The County of Amador shall notify Authority of its intent to implement any offset authorized by this paragraph.

14. Law and Venue. This Agreement shall be deemed to be made in, and shall be governed by and construed in accordance with the laws of, the State of California (excepting any conflict of laws provisions which would serve to defeat application of California substantive law). Venue for any action arising from this agreement shall be in Amador County, California.

15. Taxpayer Inquiries. Authority shall respond to taxpayers' inquiries in a timely manner and not refer taxpayers to County regarding the removal or correction of special taxes, special assessments, or property-related fees.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

[SIGNATURES ON FOLLOWING PAGE]

COUNTY OF AMADOR

AUTHORITY

BY: _____
Chairman, Board of Supervisors

BY: _____

Name: _____

Title: _____

ATTEST:
JENNIFER BURNS, CLERK OF THE
BOARD OF SUPERVISORS

BY: _____

APPROVED AS TO FORM FOR
COUNTY:
AMADOR COUNTY COUNSEL

APPROVED AS TO FORM FOR
AUTHORITY:

BY: _____

BY: _____

Item 4.G

PACE Program Activities Update

Attachment 6

WRCOG Resolution Number 16-17:

A Resolution of the Executive Committee of the Western Riverside Council of Governments making certain representations and authorizing the placement of assessments on the tax roll in various counties for the WRCOG and California HERO Programs

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RESOLUTION NUMBER 16-17

A RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS MAKING CERTAIN REPRESENTATIONS AND AUTHORIZING THE PLACEMENT OF ASSESSMENTS ON THE TAX ROLL IN VARIOUS COUNTIES FOR THE WRCOG AND CALIFORNIA HERO PROGRAMS

WHEREAS, the Executive Committee of the Western Riverside Council of Governments (the "Executive Committee" and "WRCOG" respectively) has undertaken proceedings to establish and has established the "Energy Efficiency and Water Conservation Program for Western Riverside County" (the "WRCOG Program") pursuant to Chapter 29 of Part 3 of Divisions 7 of the California Streets and Highways Code ("Chapter 29"), the Joint Exercise of Powers Agreement of WRCOG, originally made and entered April 1, 1991, as further amended to date (the "Joint Exercise of Powers Agreement"), and, Implementation Agreements by and between WRCOG and its Regular Members, separate voluntary contractual assessment program to assist property owners within the jurisdictional boundaries of the program area, with the cost of installing distributed generational renewable energy sources, energy and water efficiency improvements and electric vehicle charging infrastructure (the "Authorized Improvements"), as further described in the program reports adopted by the Executive Committee in establishing the WRCOG Program, that are permanently affixed to their property; and

WHEREAS, the Executive Committee previously initiated proceedings pursuant to Chapter 29 to permit the provision of PACE services within those cities that had taken action to become Associate Members of WRCOG and established and ordered the implementation of a voluntary contractual assessment program to be known as the "California HERO Program" (collectively with the WRCOG Program, the "Program") to assist property owners within the jurisdictional boundaries of each Associate Member with the cost of the Authorized Improvements; and

WHEREAS, the Executive Committee has by previous resolutions declared its intent to levy assessments for the purpose of financing Authorized Improvements under the provisions of Chapter 29; and

WHEREAS, assessment contracts have been entered into for properties located within the jurisdictional boundaries of Alameda County, Contra Costa County, Del Norte County, El Dorado County, Fresno County, Imperial County, Kings County, Los Angeles County, Marin County, Mariposa County, Mendocino County, Mono County, Napa County, Nevada County, Orange County, Riverside County, Sacramento County, San Diego County, Santa Clara County, Santa Cruz County, City and County of San Francisco County, San Joaquin County, San Luis Obispo County, Solano County, Sonoma County, Stanislaus County, Tehama County, Tulare County and Ventura County (each a "County," and together the "Counties"); and

WHEREAS, the special assessment levied against the real property within the Counties are not levied with regard to property values but rather are fixed special assessments based upon the costs of the Authorized Improvements and the financing of such improvements; and

WHEREAS, the Executive Committee has determined and hereby certifies that the assessments are exempt from the provisions of Proposition 218, which was passed by the voters in November 1996; and

WHEREAS, the Executive Committee has further determined that the assessments are in compliance with all applicable laws.

NOW, THEREFORE, BE IT RESOLVED by the Executive Committee of the Western Riverside Council of Governments as follows:

Section 1. The above recitals are true and correct.

Section 2. The Executive Committee orders the levy and collection of such special assessments within the jurisdictional boundaries of Associate Members within the Counties for the 2017/2018 fiscal year, and in each subsequent fiscal year in which the charges may validly be levied; that a copy of this resolution shall be delivered to the Auditor-Controller of each of the Counties for placement of such assessments on the 2017-2018 County Tax Roll of each respective County, and in each subsequent fiscal year in which the charges may validly be levied.

Section 3. The special assessments are in compliance with all applicable laws and are exempt from the provisions of Proposition 218.

Section 4. In the event of delinquencies, WRCOG will pursue the removal of the delinquent special taxes from the delinquent secured tax roll in accordance with the provisions of the Master Indenture.

Section 5. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Executive Committee of the Western Riverside Council of Governments held on June 5, 2017.

Ben Benoit, Chair
WRCOG Executive Committee

Rick Bishop, Secretary
WRCOG Executive Committee

Approved as to form:

Best Best & Krieger LLP
Bond Counsel

AYES: _____ NOES: _____ ABSENT: _____ ABSTAIN: _____

Item 4.G

PACE Program Activities Update

Attachment 7

WRCOG Resolution Number 17-17:

A Resolution of the Executive Committee of the Western Riverside Council of Governments making certain representations and authorizing the placement of assessments on the tax roll in Riverside County for the CaliforniaFIRST Program

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RESOLUTION NUMBER 17-17

A RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS MAKING CERTAIN REPRESENTATIONS AND AUTHORIZING THE PLACEMENT OF ASSESSMENTS ON THE TAX ROLL IN RIVERSIDE COUNTY FOR THE CALIFORNIA FIRST PROGRAM

WHEREAS, the Executive Committee of the Western Riverside Council of Governments (the "Executive Committee" and "WRCOG" respectively) has undertaken proceedings to establish and has established the "Energy Efficiency and Water Conservation Program for Western Riverside County" (the "WRCOG Program") pursuant to Chapter 29 of Part 3 of Divisions 7 of the California Streets and Highways Code ("Chapter 29"), the Joint Exercise of Powers Agreement of WRCOG, originally made and entered April 1, 1991, as further amended to date (the "Joint Exercise of Powers Agreement"), and, Implementation Agreements by and between WRCOG and its Regular Members, separate voluntary contractual assessment program to assist property owners within the jurisdictional boundaries of the program area, with the cost of installing distributed generational renewable energy sources, energy and water efficiency improvements and electric vehicle charging infrastructure (the "Authorized Improvements"), as further described in the program reports adopted by the Executive Committee in establishing the WRCOG Program, that are permanently affixed to their property; and

WHEREAS, on March 6, 2016, the Executive Committee authorized CaliforniaFIRST to be an additional program administrator for the WRCOG Program (the "CaliforniaFIRST Program"); and

WHEREAS, the Executive Committee has by previous resolutions declared its intent to levy assessments for the purpose of financing Authorized Improvements under the provisions of Chapter 29 for the CaliforniaFIRST Program; and

WHEREAS, assessment contracts have been entered into for properties located within the jurisdictional boundaries of Riverside County (the "County"); and

WHEREAS, the special assessments levied against the real property within the County are not levied with regard to property values but rather are fixed special assessments based upon the costs of the Authorized Improvements and the financing of such improvements; and

WHEREAS, the Executive Committee has determined and hereby certifies that the assessments are exempt from the provisions of Proposition 218, which was passed by the voters in November 1996; and

WHEREAS, the Executive Committee has further determined that the assessments are in compliance with all applicable laws.

NOW, THEREFORE, BE IT RESOLVED by the Executive Committee of the Western Riverside Council of Governments as follows:

Section 1. The above recitals are true and correct.

Section 2. The Executive Committee orders the levy and collection of such special assessments within the jurisdictional boundaries of its Regular Members within the County for the 2017/2018 fiscal year, and in each subsequent fiscal year in which the charges may validly be levied; that a copy of this resolution shall be delivered to the Auditor-Controller of the County for placement of such assessments on the 2017-2018 County Tax Roll of the County, and in each subsequent fiscal year in which the charges may validly be levied.

Section 3. The special assessments are in compliance with all applicable laws and are exempt from the provisions of Proposition 218.

Section 4. In the event of delinquencies, WRCOG will pursue the removal of the delinquent special taxes from the delinquent secured tax roll in accordance with the provisions of the Master Indenture.

Section 5. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Executive Committee of the Western Riverside Council of Governments held on June 5, 2017.

Ben Benoit, Chair
WRCOG Executive Committee

Rick Bishop, Secretary
WRCOG Executive Committee

Approved as to form:

Best Best & Krieger LLP
Bond Counsel

AYES: _____ NOES: _____ ABSENT: _____ ABSTAIN: _____



Western Riverside Council of Governments Executive Committee

Staff Report

Subject: Finance Department Activities Update

Contact: Ernie Reyna, Chief Financial Officer, reyna@wrcog.coq.ca.us, (951) 955-8432

Date: June 5, 2017

The purpose of this item is to provide an update on the upcoming financial audit of Fiscal Year (FY) 2016/2017, the fourth quarter FY 2016/2017 Budget amendment, and the FY 2017/2018 Budget development process, as well as provide an opportunity to understand the responsibilities and planning involved with the upcoming financial audit to be performed by the CPA firm, Rogers, Anderson, Malody & Scott, LLP.

Requested Action:

1. Receive and file.

Financial audit

FY 2016/2017 is quickly coming to an end and the newly engaged auditors from Rogers, Anderson, Malody, & Scott (RAMS) will be in the WRCOG offices soon to begin the upcoming financial audit. The audit will begin with Interim testing, which will include testing of payroll, accounts payable invoices, and personnel files. The Interim audit is scheduled for the week of June 5, 2017. The auditors are anticipated to return for final fieldwork the week of August 28, 2017, and conclude their audit in the months of September and October 2017. The final Comprehensive Annual Financial Report (CAFR) will be issued no later than November 15, 2017, and presented at the December 2017 Administration & Finance Committee, with the Executive Committee receiving the report at its January 2018 meeting.

Budget amendment

June 30, 2017, will mark the end of the fourth quarter and FY 2016/2017, and the Administration & Finance Committee will be presented with an amendment report at its July 12, 2017, meeting. It is also anticipated that the Technical Advisory Committee will consider the amendment report at its July 20, 2017, meeting, and the Executive Committee will consider the report at its August 7, 2017, meeting.

FY 2017/2018 Budget development process

The final FY 2017/2018 Agency Budget will be considered under Item 4.D of this Agenda.

Fiscal Year 2016/2017 audit

WRCOG's auditor (RAMS) has been engaged to conduct the financial audit of WRCOG's Fiscal Year 2016/2017 Financial Statements, and professional auditing standards require the opportunity for Executive Committee members to communicate any information that may have a material bearing on the audit, specifically the financial statements taken as a whole.

The attached letter from RAMS outlines the responsibilities, as well as the planned scope, of the upcoming financial audit, which is scheduled to begin on Monday, June 5, 2017.

Terry Shea will be the engagement partner on the audit; should there be any questions or concerns regarding the upcoming financial audit, Mr. Shea can be contacted at (909) 889-0871 or terry@ramscpa.net.

Prior Actions:

May 18, 2017: The Technical Advisory Committee received report.
May 10, 2017: The Administration & Finance Committee received report.

Fiscal Impact:

This item is informational only; therefore, there is no fiscal impact.

Attachment:

1. RAMS notice of audit letter dated May 15, 2017.

Item 4.H

Finance Department Activities
Update

Attachment 1

RAMS notice of audit letter dated
May 15, 2017

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ROGERS, ANDERSON, MALODY & SCOTT, LLP
CERTIFIED PUBLIC ACCOUNTANTS, SINCE 1948

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May 15, 2017

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Brianna Schultz, CPA
Lisa Dongxue Guo, CPA, MSA

To the Executive Committee
Western Riverside Council of Governments
4080 Lemon Street, 3rd Floor
Riverside, CA 92501

This letter is provided in connection with our engagement to audit the financial statements of the Western Riverside Council of Governments (WRCOG) as of and for the year ended June 30, 2017. Professional standards require that we communicate with you certain items including our responsibilities with regard to the financial statement audit and the planned scope and timing of our audit.

Our Responsibilities

As stated in our engagement letter dated May 15, 2017, we are responsible for conducting our audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS), *Government Auditing Standards* of the Comptroller General of the United States of America and the State Controller's *Minimum Audit Requirements and Reporting Guidelines for Special Districts* for the purpose of forming and expressing an opinion on the financial statements. Our audits do not relieve you or management of your respective responsibilities.

Our responsibility for the required supplementary information included in the document containing the audited financial statements and our report thereon includes only the information identified in our report. We have no responsibility for determining whether the required supplementary information is properly stated.

Our responsibility for other information included in the document containing the audited financial statements and our report thereon includes only the information identified in our report. We have no responsibility for determining whether the introductory or statistical sections of the financial statements are properly stated.

MEMBERS

American Institute of
Certified Public Accountants

PCPS The AICPA Alliance
for CPA Firms

Governmental Audit
Quality Center

California Society of
Certified Public Accountants

Planned Scope of the Audit

Our audit will include examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements or material noncompliance may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS, *Government Auditing Standards* of the Comptroller General of the United States of America.

Our audits will include obtaining an understanding of the entity and its environment, including its internal control, sufficient to assess the risks of material misstatement of the financial statements, the risk of material noncompliance in the major federal award programs, and as a basis for designing the nature, timing, and extent of further audit procedures. However, we will communicate to you at the conclusion of our audit, significant matters that are relevant to your responsibilities in overseeing the financial reporting process, including any material weaknesses, significant deficiencies, and violation of laws or regulations that come to our attention. Our responsibility as auditors is, of course, limited to the period covered by our audit and does not extend to any other periods.

We expect to begin our audit on approximately June 5, 2017. Terry Shea, CPA is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

This information is intended solely for the information and use of the Executive Committee of WRCOG and is not intended to be and should not be used by anyone other than the specified party.

Respectfully,

ROGERS, ANDERSON, MALODY & SCOTT, LLP



Terry Shea, CPA, Partner



Western Riverside Council of Governments Executive Committee

Staff Report

Subject: Financial Report summary through March 2017

Contact: Ernie Reyna, Chief Financial Officer, reyna@wrcog.coq.ca.us, (951) 955-8432

Date: June 5, 2017

The purpose of this item is to provide a monthly summary of WRCOG's financial statements in the form of combined Agency revenues and costs.

Requested Action:

1. Receive and file.
-

Attached for Committee review is the Financial Report summary through March 2017.

Prior Actions:

May 18, 2017: The Technical Advisory Committee received report.

May 10, 2017: The Administration & Finance Committee received report.

Fiscal Impact:

This item is informational only; therefore there is no fiscal impact.

Attachment:

1. Financial Report summary – March 2017.

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Item 4.I

Financial Report summary through
March 2017

Attachment 1

Financial Report summary – March
2017

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Western Riverside Council of Governments
Monthly Budget to Actuals
For the Month Ending March 31, 2017

		Approved 6/30/2017 Budget	Thru 3/31/2017 Actual	Remaining 6/30/2017 Budget
Revenues				
40001	Member Dues	309,410	306,410	3,000
42001	Other Revenue	-	4,050	(4,050)
42004	General Assembly	300,000	5,000	295,000
40601	WRCOG HERO	1,963,735	989,707	974,028
40603	CA HERO	7,615,461	5,020,989	2,594,472
40605	The Gas Company Partnership	62,000	58,654	3,346
40606	SCE WRELP	4,692	77,698	(73,006)
40607	WRCOG HERO Commercial	27,500	13,404	14,096
40609	SCE Phase III	10,643	10,634	9
40611	WRCOG HERO Recording Revenue	335,555	216,630	118,925
40612	CA HERO Recording Revenue	1,301,300	1,004,385	296,915
40614	Active Transportation	200,000	50,254	149,746
41201	Solid Waste	107,915	98,415	9,500
41401	Used Oil Opportunity Grants	290,227	264,320	25,907
41402	Air Quality-Clean Cities	228,000	161,750	66,250
40616	CCA Revenue	247,950	102,095	145,855
40617	Energy Admin Revenue	31,678	30,000	1,678
41701	LTF	701,300	701,250	50
43001	Commercial/Service - Admin (4%)	37,074	47,176	(10,102)
43002	Retail - Admin (4%)	142,224	83,425	58,799
43003	Industrial - Admin (4%)	128,446	145,867	(17,421)
43004	Residential/Multi/Single - Admin (4%)	1,067,271	569,560	497,711
43005	Multi-Family - Admin (4%)	224,983	90,294	134,689
43001	Commercial/Service	889,786	1,132,504	(242,718)
43002	Retail	3,413,375	2,002,198	1,411,177
43003	Industrial	3,082,710	3,500,813	(418,103)
43004	Residential/Multi/Single	25,614,514	13,669,166	11,945,348
43005	Multi-Family	5,399,595	2,167,048	3,232,547
	Total Revenues	61,237,078	32,524,040	28,513,727
Expenditures				
	Wages and Benefits			
60001	Wages & Salaries	1,981,159	1,692,124	289,035
61000	Fringe Benefits	578,219	434,156	144,063
	Total Wages and Benefits	2,619,378	2,126,280	493,098
	General Operations			
63000	Overhead Allocation	1,520,636	1,160,494	360,142
65101	General Legal Services	450,949	510,069	(59,120)
65401	Audit Fees	25,000	23,879	1,121
65505	Bank Fees	25,500	115,751	(90,251)
65507	Commissioners Per Diem	46,950	40,050	6,900
73001	Office Lease	145,000	113,701	31,299
73003	WRCOG Auto Fuels Expense	678	399	279
73004	WRCOG Auto Maint Expense	33	33	0
73101	Special Mail Svcs	1,500	1,028	472
73102	Parking Validations	3,755	3,710	45
73104	Staff Recognition	1,200	632	568
73107	Event Support	185,980	86,066	99,914
73108	General Supplies	21,021	13,428	7,593
73109	Computer Supplies	8,937	4,920	4,017
73110	Computer Software	13,705	24,396	(10,691)

Western Riverside Council of Governments
Monthly Budget to Actuals
For the Month Ending March 31, 2017

		Approved 6/30/2017 Budget	Thru 3/31/2017 Actual	Remaining 6/30/2017 Budget
73111	Rent/Lease Equipment	25,000	25,320	(320)
73113	Membership Dues	21,364	21,091	273
73114	Subscriptions/Publications	8,539	16,700	(8,161)
73115	Meeting Support/Services	14,809	7,577	7,232
73116	Postage	5,708	2,814	2,894
73117	Other Household Expenditures	2,523	5,240	(2,717)
73118	COG Partnership Agreement	40,000	17,772	22,228
73119	Storage	16,000	3,175	12,825
73122	Computer Hardware	4,000	337	3,663
73126	EV Charging Equipment	49,605	49,605	0
73201	Communications-Regular	2,000	1,763	237
73203	Communications-Long Distance	1,200	170	1,030
73204	Communications-Cellular	11,802	8,978	2,824
73206	Communications-Comp Sv	18,271	49,253	(30,982)
73209	Communications-Web Site	15,600	1,324	14,276
73301	Equipment Maintenance - General	7,070	11,499	(4,429)
73302	Equipment Maintenance - Computers	8,151	25,445	(17,294)
73405	Insurance - General/Business Liason	73,220	73,725	(505)
73407	WRCOG Auto Insurance	1,570	1,294	276
73502	County RCIT	2,500	787	1,713
73506	CA HERO Recording Fee	1,636,855	975,042	661,813
73601	Seminars/Conferences	23,035	12,390	10,646
73605	General Assembly	300,000	2,394	297,606
73611	Travel - Mileage Reimbursement	21,920	12,419	9,501
73612	Travel - Ground Transportation	8,779	3,464	5,315
73613	Travel - Airfare	22,837	12,474	10,363
73620	Lodging	19,016	9,175	9,841
73630	Meals	10,633	6,830	3,803
73640	Other Incidentals	14,888	9,435	5,453
73650	Training	12,200	919	11,281
73703	Supplies/Materials	41,851	300	41,551
73704	Newspaper Ads	21,863	10,700	11,163
73706	Radio & TV Ads	44,853	51,333	(6,480)
XXXXX	TUMF Projects	38,399,980	40,604,306	(2,204,326)
85101	Consulting Labor	3,497,028	2,237,895	1,259,133
85102	Consulting Expenses	245,000	4,577	240,423
85180	BEYOND Expenditures	2,023,000	274,366	1,748,634
90101	Computer Equipment/Software	31,500	21,227	10,273
90501	Office Improvements	100,000	(1,181,809)	1,281,809
97005	Benefits Transfer Out	-	(439,386)	439,386
97001	Operating Transfer Out	(1,518,136)	(1,033,406)	(484,730)
Total General Operations		56,198,774	44,017,070	12,181,704
Total Expenditures		58,818,152	46,143,350	12,674,802





Western Riverside Council of Governments Executive Committee

Staff Report

Subject: Regional Streetlight Program Activities Update

Contact: Tyler Masters, Program Manager, masters@wrcog.cog.ca.us, (951) 955-8378

Date: June 5, 2017

The purpose of this item is to provide the Committee with an update on the next steps that member jurisdictions are taking to acquire their streetlights and participate in the Program, the status of the Streetlight Retrofit, Operations and Maintenance Request for Proposals, and the results of the Streetlight workshop to assist member jurisdictions with new development.

Requested Action:

1. Receive and file.

WRCOG's Regional Streetlight Program will assist member jurisdictions with the acquisition and retrofit of their Southern California Edison (SCE)-owned and operated streetlights. The Program has three phases, which include: 1) streetlight inventory; 2) procurement and retrofitting of streetlights; and 3) ongoing operations and maintenance. The overall goal of the Program is to provide significant cost savings to the member jurisdictions.

Background

At the direction of the Executive Committee, WRCOG has developed a Regional Streetlight Program that will allow jurisdictions (and Community Service Districts) to purchase the streetlights within their boundaries that are currently owned / operated by SCE. Once the streetlights are owned by the member jurisdiction, the lamps will then be retrofitted to Light Emitting Diode (LED) technology to provide more economical operations (i.e., lower maintenance costs, reduced energy use, and improvements in public safety). Local control of the streetlight system allows jurisdictions opportunities to enable future revenue generating opportunities such as digital-ready networks, and telecommunications and IT strategies.

The goal of the Program is to provide cost-efficiencies for local jurisdictions through the purchase, retrofit, and maintenance of streetlights within jurisdictional boundaries, without the need of additional jurisdictional resources. As a regional Program, WRCOG is working with jurisdictions to move through the acquisition process, develop financing recommendations, develop / update regional and community-specific streetlight standards, and implement a regional operations and maintenance agreement that will increase the level of service currently being provided by SCE.

Regional Streetlight Acquisition Update: The following jurisdictions have approved City Council action / direction to acquire the SCE-owned streetlights in their jurisdiction's boundaries (this accounts for approximately 47,000 of the 55,000 acquirable streetlights in the subregion):

October 18, 2016 / March 21, 2017:	City of Moreno Valley
January 24, 2017:	City of Lake Elsinore
February 15, 2017:	City of Menifee

February 28, 2017:	City of Temecula
March 7, 2017:	City of Murrieta
March 8, 2017:	City of Wildomar
March 13, 2017:	Jurupa Community Services District
March 14, 2017:	City of Hemet
March 28, 2017:	City of Perris
March 28, 2017:	City of San Jacinto
April 12, 2017:	City of Eastvale

Next Steps: As of August 2015, SCE is no longer allowing jurisdictions to start discussions to acquire the streetlights within their jurisdictional boundaries. All WRCOG member jurisdictions pre-dated this August 2015 deadline and were provided the opportunity to assess streetlight acquisition opportunities. The member jurisdictions listed above have deemed it feasible to move forward, have met all SCE deadlines, and will continue with the streetlight acquisition process.

To date, eleven WRCOG member jurisdictions have approved the Purchase and Sales Agreement. Upon the signing of the Agreement by the City Manager, city staff will distribute the document to SCE where they will package the Agreement and send it to the California Public Utilities Commission (CPUC). This process can take anywhere from six to twelve months (depending on valuation price). Jurisdictions with estimated streetlight sales prices exceeding \$5 million will move forward in the CPUC as a “full filing,” which require CPUC action and can take upwards of 6 to 12 months for approval. For those jurisdictions with estimated streetlights sales prices of under \$5 million, those will move forward in the CPUC as an “advice filing,” and can be administratively approved within two to six months.

During this timeframe, WRCOG staff will be working with the member jurisdictions on identifying a regional financing option, preparing the member jurisdictions for the transfer of streetlights, hosting a workshop to assist interested jurisdictions with new development, and selecting a vendor to provide the services of ongoing retrofit, operation & maintenance.

In June of 2017, WRCOG staff and their financial consultants PFM, will be holding finance meetings with the jurisdictions moving forward with the streetlight acquisition to provide an update on the regional financing option that Bank of America can provide to interested member jurisdictions.

Request for Proposal (RFP) for streetlight retrofit, operations & maintenance

On March 10, 2017, WRCOG released an RFP for streetlight retrofit, operations & maintenance of the lighting fixtures that are going to be acquired on behalf of the participating jurisdictions. With several jurisdictions moving forward with the acquisition of the streetlights, SCE will no longer provide operations or maintenance on the acquired poles. SCE will continue to maintain any of the underground wiring that connects these streetlights to SCE’s grid; however, the city will own, and need to maintain and operate, the streetlight fixture and pole from the base of the pole and up.

The purpose of releasing the RFP is to select a vendor that will provide cost effective retrofit, operation and maintenance needs to support the transition of current streetlight technologies (high and low-pressure sodium vapor) lights to LED lighting, maintain / respond to streetlight knockdown / damaged poles, keeping in account economies of scales and increasing the level of services to the participating jurisdictions in Western Riverside County. Furthermore, the selected vendor will work with WRCOG and jurisdictional staff to provide supplemental assistance with the recording documents of each streetlight, installation of housing shields, complying with all state mandated laws, and coordinating with the removal and disposal of any existing luminaire heads / hazardous materials.

WRCOG received seven responses to the RFP and is in the process of reviewing the submittals. WRCOG staff, PFM, and representatives from four member jurisdictions comprise the Evaluation committee. The Evaluation Committee will review the proposals, interview top scoring proposals, and report out to the Committees the results of the interviews/selection process in coming months.

Demonstration area tour results / LightSuite

Between November 2016 and January 2017, WRCOG hosted five Streetlight Demonstration Area Tours in the City of Hemet to allow interested attendees the opportunity to assess various lighting fixtures at five different locations across Hemet. These five Demonstration Areas represent different street and land use types, from school, residential, and commercial areas, to low, medium, and high traffic street areas. A total of 12 outdoor lighting manufacturers participated in these Demonstration Areas.

Demonstration Area tour participants included elected officials, city staff, astronomers, lighting specialists, and residents throughout Riverside and San Bernardino Counties. Over 120 attendees assessed various fixtures and provided staff their feedback. The results obtained from the tours was analyzed to help identify proper lighting systems to be implemented throughout Western Riverside County.

The results from these five Demonstration Area Tours were used by WRCOG and its consulting team to draft a packaged document known as the LightSuite (Attachment 1). The LightSuite package is intended to provide interested member jurisdictions with a template guide to support with the local implementation / regulation of outdoor lighting within their community. The LightSuite contains the following seven components:

- **LightSuite 1:** Specification of LED Cobra head Luminaires for New and Relocated Street Lighting Systems
 - o Provides a review of luminaires to be used for new and relocated LED street lighting systems.
- **LightSuite 2:** Design Standards for New or Relocated Street lighting
 - o Provides a reviews of standards for street lighting.
- **LightSuite 3:** Specifications of LED Luminaires for Replacement of Cobra head Street Lighting Systems
 - o Suggested luminaires used for replacement of legacy high intensity discharge street lighting systems.
- **LightSuite 4:** Design Standards for LED Replacement Street Lighting
 - o This section provides information on standards for street lighting that will help mitigate light pollution, reduce energy consumption, and minimizing light trespass.
- **LightSuite 5:** Proposed Riverside County Ordinance 655P Regulating Outdoor Lighting
 - o Ordinance that helps to provide regulations for outdoor lighting.
- **LightSuite 6:** Proposed Modernization of Riverside County Ordinance No. 915P Regulating Outdoor Lighting
 - o Ordinance that illustrates requirements for outdoor lighting, health, property and residential areas.
- **LightSuite 7:** Suggested Community Outdoor Lighting Ordinance
 - o Illustrates goals to promote and protect public health, safety, welfare, and quality of life by establishing regulations for outdoor lighting.

The LightSuite package is intended to provide template lighting design standards for local jurisdictions to use, as related to existing streetlight system retrofits and new development installations. The package is not intended to recommend one manufacturer over another, but simply to demonstrate the manufacturers that provided products and technologies for the Demonstration Area that met the minimum standards identified as part of the LightSuite. All manufacturers with applicable products that meet performance requirements are welcome to bid on any future Request-for-Bids (RFB).

Streetlight workshop

At the request of member jurisdictions, WRCOG held a streetlight workshop on May 15, 2017 to assist jurisdictions in identifying and understanding SCE and city procedural differences between new streetlight installations as city-owned versus SCE-owned. At this workshop, over 25 attendees from the Cities of Eastvale, Hemet, Jurupa Community Services District (JCSO), Lake Elsinore, March JPA, Menifee, Moreno Valley, Murrieta, Perris, Temecula, and SCE attended.

Currently, a number of member jurisdictions have developed policies requiring new developments plan / install streetlights under its ownership, while other jurisdictions are just beginning to look into this. The workshop allowed WRCOG's members to share their jurisdictions' policies and procedures, while also hearing from SCE's planning department on the technical differences between the two processes so that jurisdictions can best plan new developments and articulate these changes to their developers. Presentations were provided by staff from the Cities of Hemet and Menifee, and SCE on how to encourage and coordinate with new developments on the implementation on City-owned streetlight systems.

Due to the success of this meeting, WRCOG be will coordinating a second workshop in the near future. Once a date and location has been identified, WRCOG staff will provide notification to its members.

Prior Actions:

<u>May 18, 2017:</u>	The Technical Advisory Committee received report.
<u>May 11, 2017:</u>	The Planning Directors Committee received report.
<u>May 11, 2017:</u>	The Public Works Committee received report.

Fiscal Impact:

Activities for the Regional Streetlight Program are included in the Agency's adopted Fiscal Year 2016/2017 Budget.

Attachment:

1. Draft WRCOG LightSuite.

Item 4.J

Regional Streetlight Program
Activities Update

Attachment 1

Draft WRCOG LightSuite

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Streetlight Program

WRCOG LightSuite For Outdoor Lighting Regulations

March 31, 2017

Introduction

Most communities have some sort of outdoor lighting regulation. Older regulations tend to focus on preventing objectionable light trespass and overlighting of sites, but more recently ordinances strive to prevent environmental impacts and to preserve dark skies at night for astronomy and star-gazing. The urgency of creating modernized lighting regulations recently increased dramatically with the 2016 announcement by the American Medical Association of its concern about the impact on human health and the environment caused by some types of LED lighting.

Riverside County is one of the first governing bodies in the world to restrict outdoor lighting to preserve the dark night sky. While the intent was primarily to benefit the Palomar Observatory, it also served to maintain one of the largest areas of dark skies in populated areas of Southern California, considered by many to be a significant contribution to quality of life in the County. But the original ordinances have been rendered obsolete by LED technology. In fact, LED lighting is now being installed throughout the County and without modern regulations, years of care and concern will be quickly undone by the careless installation of LED's that don't meet the recommendations of the AMA

As part of the WRCOG LED Street Lighting Conversion project, a group of modern lighting regulation documents, called the LightSuite, has been developed for use by WRCOG member communities and Riverside County. In addition to ensuring that all LED lighting complies with AMA recommendations, LightSuite modernizes all existing ordinances and coordinates them with State of California outdoor lighting regulations put in place since 2006. Properly implemented, LightSuite will help improve planning, permitting and enforcement in every community

In addition, the technical aspects of LightSuite have been reviewed by Cal Tech's principal astronomers and scientists and determined to be consistent with best practices to mitigate light pollution that could affect the work of Palomar Observatory.

Regulating Outdoor Lighting

In California, outdoor lighting became restricted by the California Code of Regulations on January 1, 2006. Title 24 Part 1 instituted a statewide lighting zone system. It has default zones for the entire state, but communities can change the zones throughout their jurisdiction. Title 24 Part 6, the Energy Efficiency standards, restrict the amount of light by limited power (watts) and energy per zone and need – including, to a certain extent, signs. Title 24, Part 11, CAL Green, the statewide sustainability code, restricts upward light, glare and off-site impacts per the lighting zone using the BUG (Backlight Uplight Glare) rating system for outdoor lighting.

Communities already have these tools to regulate lighting through planning, permitting and inspection of all new buildings as well as for renovations, remodeling and additions.

But Title 24 alone is not adequate. It does not restrict residential lighting in specific important ways that have been proven to be needed for communities to resolve the common complaints among neighbors. It does not restrict streetlights. Communities must individually develop or modernize and implement several standards and regulations:

1. A **lighting ordinance** regulating lighting for buildings, site development such as parking lots and walkways, and other uses of outdoor lighting other than streets or signs.
2. A **design standard** that specifies the design of street lighting for developer projects that will become part of the community lighting system.
3. **Street lighting standards** for new roadways and intersections and for maintaining or revising existing street lighting.
4. **Specifications** for all LED street lighting products.

The WRCOG LightSuite

This suite of proposed ordinances and standards is provided free of charge for use by WRCOG communities and includes the following:

- LightSuite 1 - Specification of LED Cobrahead LUMINAIRES for New and Relocated Street Lighting Systems
- LightSuite 2 – Design Standards for New or Relocated Street Lighting
- LightSuite 3 – Specifications of LED luminaires for Replacement of Cobrahead Street Lighting Systems
- LightSuite 4 – Design Standards for LED Replacement Street Lighting
- LightSuite 5 – Proposed Riverside County Ordinance 655P Regulating Outdoor Lighting
- LightSuite 6 – Proposed Modernization of Riverside County Ordinance 915P Regulating Outdoor Lighting
- LightSuite 7 – Suggested Community Outdoor Lighting Ordinance

For questions concerning the WRCOG LightSuite or the LED Street Light Program, feel free to contact Tyler Masters, WRCOG Project Manager, at Masters@wrcog.cog.ca.us.

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SPECIFICATION OF LED COBRAHEAD LUMINAIRES FOR NEW AND RELOCATED STREET LIGHTING SYSTEMS

PART 1 – GENERAL

1.1. SCOPE

Luminaires to be used for new and relocated LED street lighting systems.

1.2. REFERENCES

The publications listed below form a part of this specification to the extent referenced. Publications are referenced within the text by their basic designation only. Versions listed shall be superseded by updated versions as they become available.

A. American National Standards Institute (ANSI)

1. C136.2-2004 (or latest), American National Standard for Roadway and Area Lighting Equipment—Luminaire Voltage Classification
2. C136.10-2010 (or latest), American National Standard for Roadway and Area Lighting Equipment - Locking-Type Photocontrol Devices and Mating Receptacle Physical and Electrical Interchangeability and Testing
3. C136.15-2011 (or latest), American National Standard for Roadway and Area Lighting Equipment – Luminaire Field Identification
4. C136.22-2004 (R2009 or latest), American National Standard for Roadway and Area Lighting Equipment – Internal Labeling of Luminaires
5. C136.25-2009 (or latest), American National Standard for Roadway and Area Lighting Equipment – Ingress Protection (Resistance to Dust, Solid Objects and Moisture) for Luminaire Enclosures
6. C136.31-2010 (or latest), American National Standard for Roadway Lighting Equipment – Luminaire Vibration
7. C136.37-2011 (or latest), American National Standard for Roadway and Area Lighting Equipment - Solid State Light Sources Used in Roadway and Area Lighting.

- 1 B. American Society for Testing and Materials International (ASTM)
- 2 1. B117-09 (or latest), Standard Practice for Operating Salt Spray (Fog) Apparatus
- 3 2. D1654-08 (or latest), Standard Test Method for Evaluation of Painted or Coated
- 4 Specimens Subjected to Corrosive Environments
- 5 3. D523-08 (or latest), Standard Test Method for Specular Gloss
- 6 4. G154-06 (or latest), Standard Practice for Operating Fluorescent Light Apparatus
- 7 for UV Exposure of Nonmetallic Materials
- 8 C. Council of the European Union (EC)
- 9 1. RoHS Directive 2002/95/EC, on the restriction of the use of certain hazardous
- 10 substances in electrical and electronic equipment
- 11 D. Federal Trade Commission (FTC)
- 12 1. Green Guides, 16 CFR Part 260, Guides for the Use of Environmental Marketing
- 13 Claims
- 14 E. Illuminating Engineering Society of North America (IESNA or IES)
- 15 1. DG-21-15, Design Guide for Residential Lighting
- 16 2. DG-4-03 (or latest), Design Guide for Roadway Lighting Maintenance
- 17 3. HB-10-11 (or latest), IES Lighting Handbook, 10th Edition
- 18 4. LM-50-99 (or latest), IESNA Guide for Photometric Measurement of Roadway
- 19 Lighting Installations
- 20 5. IES RES-1-16, Measure and Report on Luminaire Dirt Depreciation (LDD) in
- 21 LED Luminaires for Street and Roadway Lighting Applications
- 22 6. LM-61-06 (or latest), Approved Guide for Identifying Operating Factors
- 23 Influencing Measured Vs. Predicted Performance for Installed Outdoor High
- 24 Intensity Discharge (HID) Luminaires
- 25 7. LM-79-08 (or latest), IESNA Approved Method for the Electrical and
- 26 Photometric Measurements of Solid-State Lighting Products
- 27 8. LM-80-08 (or latest), IESNA Approved Method for Measuring Lumen
- 28 Maintenance of LED Light Sources
- 29 9. RP-8-14 ANSI / IESNA American National Standard Practice for Roadway
- 30 Lighting
- 31 10. RP-16-10 (or latest), ANSI/IES Nomenclature and Definitions for Illuminating
- 32 Engineering
- 33 11. TM-3-95 (or latest), A Discussion of Appendix E - "Classification of Luminaire
- 34 Lighting Distribution," from ANSI/IESNA RP-8-83
- 35 12. TM-15-11 (or latest), Luminaire Classification System for Outdoor Luminaires
- 36 13. TM-21-11 (or latest), Projecting Long Term Lumen Maintenance of LED Light
- 37 Sources.

- 1 F. Institute of Electrical and Electronics Engineers (IEEE)
 - 2 1. IEEE C62.41.2-2002 (or latest), IEEE Recommended Practice on
 - 3 Characterization of Surges in Low-Voltage (1000 V and less) AC Power Circuits
 - 4 2. ANSI/IEEE C62.45-2002 (or latest), IEEE Recommended Practice on Surge
 - 5 Testing for Equipment Connected to Low-Voltage (1000 V and Less) AC Power
 - 6 Circuits
- 7 G. National Electrical Manufacturers Association (NEMA)
 - 8 1. ANSI/NEMA/ANSI C78.377-2008 (or latest), American National Standard for
 - 9 the Chromaticity of Solid State Lighting Products
- 10 H. National Fire Protection Association (NFPA)
 - 11 1. NFPA-70-14 – National Electrical Code (NEC)
- 12 I. Underwriters Laboratories (UL)
 - 13 1. 1449, Surge Protective Devices
 - 14 2. 1598, Luminaires and Poles
 - 15 3. 8750, Light Emitting Diode (LED) Equipment for Use in Lighting Products
- 16 J. City Standards for Street Lighting
- 17 K. Southern California Edison
 - 18 1. Standards for services to customer-owned street lighting systems
 - 19 2. Standard specifications for Public Works Construction (Greenbook) (latest
 - 20 edition), Subsections 700 and 701 and all included cross references.

21 1.3. RELATED DOCUMENTS

- 22 A. LightSuite 2, Design Standards for New and Relocated Street Lighting Systems.

23 1.4. DEFINITIONS

- 24 A. Lighting terminology used herein is defined in IES RP-16. See referenced documents for
- 25 additional definitions.
 - 26 1. Exception: The term “driver” is used herein to broadly cover both drivers and
 - 27 power supplies, where applicable.
 - 28 2. Clarification: The term “LED light source(s)” is used herein per IES LM-80 to
 - 29 broadly cover LED package(s), module(s), and array(s).

30 1.5. QUALITY ASSURANCE

- 31 A. Before approval and purchase, furnish luminaire sample(s) identical to product
- 32 configuration(s) submitted for inspection. Furnish IES LM-79 testing of luminaire
- 33 sample(s) to verify performance is within manufacturer-reported tolerances.
- 34 B. After installation, Owner may perform IES LM-50 field measurements to verify
- 35 performance requirements outlined in Table A, considering measurement uncertainties
- 36 outlined in IES LM-61.

1.6. LIGHTING SYSTEM PERFORMANCE

A. Energy Conservation

1. Lighting Controls

- a. See separate controls specification identified in section 1.2 above, if applicable.
- b. See section 2.1-B below for driver control interface and performance requirements.
- c. See section 2.1-K below for photocontrol receptacle requirements.

B. Photometric Requirements

1. Luminaires shall meet the general criteria provided in the body of this specification and the criteria for each luminaire type defined in Table A.

1.7. REQUIRED SUBMITTALS FOR EACH LUMINAIRE TYPE DEFINED IN TABLE A AND EACH PROPOSED MANUFACTURER

A. Use Table D attached hereto for each proposed luminaire.

B. General submittal content shall include

1. Completed Appendix E submittal form
2. Luminaire cutsheets
3. Cutsheets for LED light sources
4. Cutsheets for LED driver(s)
 - a. If dimmable LED driver is specified, provide diagrams illustrating light output and input power as a function of control signal.
5. Cutsheets for surge protection device, if applicable
6. Instructions for installation and maintenance
7. Summary of luminaire recycled content and recyclability per the FTC Green Guides, expressed by percentage of luminaire weight

C. LM-79 luminaire photometric report(s) shall be produced by the test laboratory and include

1. Name of test laboratory
 - a. The test laboratory must hold National Voluntary Laboratory Accreditation Program (NVLAP) accreditation for the IES LM-79 test procedure.
2. Report number
3. Date
4. Complete luminaire catalog number
 - a. Provide explanation if catalog number in test report(s) does not match catalog number of luminaire submitted
 - i. Clarify whether discrepancy does not affect performance, e.g., in the case of differing luminaire housing color.

- ii. If nominal performance of submitted and tested products differ, submit additional LM-79 report(s) and derivation as indicated in Appendix C.
5. Description of luminaire, LED light source(s), and LED driver(s)
6. Goniophotometry
7. Colorimetry
8. IES TM-21-11 calculations that derive the lumen maintenance (lamp lumen depreciation or LLD) factor applied to photometric calculations specified herein. TM-21 calculations must apply to the maximum LED case temperature from ISTMT, shall not extrapolate beyond six times the duration of available LM-80 test data, and submitted in the spreadsheet format of the ENERGY STAR TM-21 calculator.
- D. Predicted dirt depreciation per IES RES-1-16 Page 72 Tables 7 and 8 for the optical system used.
- E. Computer-generated point-by-point photometric analysis of maintained photopic light levels.
 1. Calculations shall be for maintained values, i.e. Light Loss Factor (LLF) < 1.0, where $LLF = LLD \times LDD \times LATF$, and
 - a. Lamp Lumen Depreciation (LLD)
 - i. Shall be 0.8 (L_{80}) for all luminaires
 - b. Luminaire Dirt Depreciation (LDD) per IES RES-1-16 and assuming 5-year cleaning cycle.
 - c. Luminaire Ambient Temperature Factor ($LATF$) = 1.00
 2. Use of IES HB-10 mesopic multipliers
 - a. Shall be disallowed herein, by assuming an S/P ratio of 1.00 for all luminaires.
 3. Calculation/measurement points shall be per IES RP-8.
 4. Software shall be AGI32 using roadway methods and insofar as possible, on representative sections of all planned new or relocated designs.
- F. Summary of Joint Electron Devices Engineering Council (JEDEC) or Japan Electronics and Information Technology Industries (JEITA) reliability testing performed for LED packages
- G. Summary of reliability testing performed for LED driver(s)
- H. Written product warranty as per section 1.7 below
- I. Safety certification and file number
 1. Applicable testing bodies are determined by the US Occupational Safety Health Administration (OSHA) as Nationally Recognized Testing Laboratories (NRTL) and include: CSA (Canadian Standards Association), ETL (Edison Testing Laboratory), and UL (Underwriters Laboratory).

1 1.8.WARRANTY

- 2 A. Provide a minimum ten-year warranty covering maintained integrity and functionality of
 - 3 1. Luminaire housing, wiring, and connections
 - 4 2. LED light source(s)
 - 5 a. Negligible light output from more than 10 percent of the LED packages
 - 6 constitutes luminaire failure.
 - 7 3. LED driver(s)
 - 8 a.Failure to dim if connected to a control system and using proper
 - 9 components constitutes luminaire failure
- 10 B. Warranty period shall begin upon installation, or as negotiated by owner such as in the
- 11 case of an auditable asset management system.
- 12 C. Warranty to provide for replacement of product with new product of equivalent
- 13 appearance, CCT, CRI, and photometric performance.
- 14 D. Upon request prior to approval, manufacturer may be required to provide proof of
- 15 financial viability which may include any information deemed necessary to determine the
- 16 manufacturer's ability to fully service their warranty.

18 PART 2 – PRODUCTS

19 2.1. LUMINAIRES

- 20 A. General Requirements
 - 21 1. Luminaires shall be as specified for each type in Table B.
 - 22 2. Luminaire shall have an external label per ANSI C136.15
 - 23 3. Luminaire shall have an internal label per ANSI C136.22.
 - 24 4. Nominal luminaire input wattage shall account for nominal applied voltage and
 - 25 any reduction in driver efficiency due to sub-optimal driver loading.
 - 26 5. Luminaires shall start and operate in -20°C to +40°C ambient.
 - 27 6. Electrically test fully assembled luminaires before shipment from factory.
 - 28 7. Effective Projected Area (EPA) of the luminaire shall not exceed the EPA of the
 - 29 luminaire being replaced.
 - 30 8. Luminaires shall be designed for ease of component replacement and end-of-life
 - 31 disassembly.
 - 32 9. Luminaires shall be rated for the ANSI C136.31 Vibration Level indicated in
 - 33 Table A.
 - 34 10. LED light source(s) and driver(s) shall be RoHS compliant.
 - 35 11. Transmissive optical components shall be applied in accordance with OEM
 - 36 design guidelines to ensure suitability for the thermal/mechanical/chemical
 - 37 environment.

1 B. Driver

- 2 1. Rated case temperature shall be suitable for operation in the luminaire operating
3 in the ambient temperatures indicated in section 2.1-A above.
- 4 2. Shall accept the voltage or voltage range indicated in Table A at 50/60 Hz, and
5 shall operate normally for input voltage fluctuations of plus or minus 10 percent.
- 6 3. Shall have a minimum Power Factor (PF) of 0.90 at full input power and across
7 specified voltage range.
- 8 4. Control signal interface
- 9 a. Luminaire types indicated “Required” in Table A shall accept a control
10 signal as specified via separate controls specification referenced in section
11 1.2 above, e.g., for dimming.
- 12 b. Luminaire types indicated “Not Required” in Table A need not accept a
13 control signal.

14 C. Electrical transient and surge immunity

- 15 1. Luminaire shall meet the “Elevated” requirements in Appendix D. Manufacturer
16 shall indicate on submittal form (Appendix E) whether failure of the electrical
17 immunity system can possibly result in disconnect of power to luminaire.

18 D. Electromagnetic interference

- 19 1. Shall have a maximum Total Harmonic Distortion (THD) of 20% at full input
20 power and across specified voltage range.
- 21 2. Shall comply with FCC 47 CFR part 15 non-consumer RFI/EMI standards.

22 E. Electrical safety testing

- 23 1. Luminaire shall be listed for wet locations by an OSHA NRTL.
- 24 2. Luminaires shall have locality-appropriate governing mark and certification.

25 F. Painted or finished luminaire components exposed to the environment

- 26 1. Shall exceed a rating of six per ASTM D1654 after 1000hrs of testing per ASTM
27 B117.
- 28 2. The coating shall exhibit no greater than 30% reduction of gloss per ASTM D523,
29 after 500 hours of QUV testing at ASTM G154 Cycle 6.

30 G. Thermal management

- 31 1. Mechanical design of protruding external surfaces (heat sink fins) for shall
32 facilitate hose-down cleaning and discourage debris accumulation.
- 33 2. Liquids or other moving parts shall be clearly indicated in submittals, shall be
34 consistent with product testing, and shall be subject to review by Owner.

35 H. IES TM-15 limits for Backlight, Uplight, and Glare (BUG Ratings) shall be as specified
36 for each luminaire type in Table A.

- 37 1. Calculation of BUG Ratings shall be for initial (worst-case) values, i.e., Light
38 Loss Factor (LLF) = 1.0.

39 I. Minimum Color Rendering Index (CRI): 70.

1 J. Correlated Color Temperature (CCT)

- 2 1. Nominal 2700K (3000K for certain applications only).
3 2. Allowable 2580 to 2870K per IES LM-79.
4 3. Allowable -.006 to .006 D_{uv} per IES LM-79.

5 K. The following shall be in accordance with corresponding sections of ANSI C136.37

- 6 1. Wiring and grounding
7 a. All internal components shall be assembled and pre-wired using modular
8 electrical connections.
9 2. Mounting provisions
10 a. Specific configurations are indicated in Table A
11 3. Terminal blocks for incoming AC lines
12 4. Photocontrol receptacle
13 5. Latching and hinging
14 6. Ingress protection

15 L. Luminaire Construction

- 16 1. Weight
17 a. The net weight of each luminaire less than 46 (21 kg) pounds including
18 mounting devices and backlight shields.
19 2. Housing
20 a. Tool-less entry
21 b. Die-cast aluminum alloy meeting ASTM Specification A380. Alternate
22 materials may be considered but shall be submitted to the Owner for
23 review and approval.
24 c. Encloses the mounting hardware, LED arrays, control receptacle,
25 terminal board, and electronic driver.
26 d. Includes a surface to facilitate leveling with a spirit level.
27 e. Integral heat sink characteristics, such that all enclosed components will
28 operate within their designed operating temperatures under expected
29 service conditions. No external or removable heat shields or heat sinks
30 are permitted.
31 f. Designed to encourage water shedding.
32 g. Designed to minimize dirt and bug accumulation on the optic surface.
33 h. Permanently affixed easily-viewable nameplate inside of each luminaire
34 housing containing the manufacturer's name, manufacturer's catalog
35 number, date of manufacture (month and year), plant location, input
36 power consumption, driver output current, IEC IP Rating, correlated
37 color temperature (CCT), IES light distribution type, IESNA TM-15
38 BUG ratings, and serial number.

- i. City approved luminescent name plate meeting American National Standard for Roadway and Area Lighting Equipment-Luminaire Field Identification (ANSI C136.15-2015) shall be permanently affixed on the exterior of the Luminaire to be visible from the ground.

3. Mounting Provisions.

- a. Standard heavy gauge slip fitter clamping assembly suitable for secure attachment over the end of a nominal two 2" IP (2.375" OD) steel pipe with an approved means of clamping it firmly in mounting bracket. The slip fitter mounting clamp must contain an approved shield around the pipe entrance to block the entry of birds.
- b. Leveling adaptor to permit at least 15 degrees of correction to level luminaire with respect to normal to photometric nadir (straight down).
- c. Adaptor fittings for nominal 1.5 inch IP, 1.75 inch IP, 2.25 inch IP and 2.5 inch IP mast arms.

4. Access Door-Panel.

- a. Die-cast aluminum door-panel composed of aluminum alloy A380. Alternate materials may be considered but shall be submitted to the Owner for review and approval.
- b. Provides access to the terminal strip and LED driver.
- c. Hinged to the luminaire housing and suitably latched and fastened at the closing end.
- d. Easily removed.
- e. Captive hardware for the hinge and fastening devices.

5. Hardware.

- a. Machine screws, locknuts, pins and set screws necessary to make a firm assembly, and for its secure attachment to the mast arm, must be furnished in place.
- b. Hardware must be of stainless steel, zinc plated steel, copper silicon alloy or other non-corrosive metal, and where necessary must be suitably plated to prevent electrolytic action by contact with dissimilar metals.

6. Finish.

- a. Polyester powder coat with a minimum 2.0 mil thickness.
- b. Surface texture and paint quality subject to approval.
- c. Color must be as specified in the order.
- d. Finish must exceed a rating of six per ASTM D1654 after 1000 hours of testing per ASTM B117.
- e. The coating must exhibit no greater than 30% reduction of gloss per ASTM D523 after 500 hours of QUV testing at ASTM G154 Cycle 6.

7. Ingress Protection.

- a. Electric compartment housing must have an ingress protection rating of IP54 or better as described in ANSI C136.25-2013.
- b. The optical system must have a minimum rating of IP 66.
- c. Listed for wet locations by a U.S. Occupational Safety Health Administration (OSHA) Nationally Recognized Laboratory (NRTL) and have a safety certification and file number indicating compliance with UL 1598.

8. LED Optical Arrays

- a. Factory installed.
- b. No required field adjustment for specified photometric performance.

9. Terminal Block

- a. High grade molded plastic of the barrier or safety type.
- b. Within the water tight part of the housing in a readily accessible location.
- c. Pre-wired to all luminaire components
- d. Copper plated clamp-type pressure connector approved type for "line" connections, to accommodate wire sizes from #14 to #6 A.W.G.
- e. Internal component connections either the screw-clamp or quick disconnect type.

2.2. PRODUCT MANUFACTURERS AND APPROVED PRODUCTS

- A. Approved manufacturers are listed in Table A.
- B. Select products to replace existing luminaires using Tables A, B and per project requirements, including application notes. See LightSuite 4 for a recommended system to minimize the number of different luminaires to be used on a project.
- C. Specific products proposed for a specific project should be submitted using Table D along with a physical sample.
- D. Optimize performance for the existing conditions. For illuminating engineering, WRCOG will provide access to AGI32 models to determine best possible performance under common circumstances found throughout Western Riverside County.

2.3. MANUFACTURER SERVICES

- A. The manufacturer shall provide full support for the project including, but not limited to, AGI-32 lighting calculations, required tests and certifications, and all other services necessary to permit products to be applied as intended by these specifications.
- B. The manufacturer shall notify the contractor immediately of product changes and bulletins and provide new specifications and test reports.
- C. Manufacturer or local sales representative shall provide installation and troubleshooting support in person and shall identify the name of a factory trained sales agent in Riverside County to service the Project.

TABLE A
APPROVED MANUFACTURERS OF LIGHTING PRODUCTS

Candidate luminaires for street and roadway lighting products were tested and evaluated in the winter of 2016-2017. The following manufacturers' products were generally found to be of suitable quality and performance. However, specific products to be used shall meet the minimum performance requirements from Table B. Make necessary changes due to the nature of the specific project, changes due to product offerings, and/or changes required by the Owner. Listed alphabetically; no preference due to order is intended.

Acuity Brands Lighting (American Electric Lighting and other brands)
Hubbell Lighting (Beacon Lighting and other brands)
Cree Lighting
Eaton Lighting (Streetworks and other brands)
General Electric (Current and other brands)
Leotek Lighting
Philips Lighting (Lumec and other brands)

All the above manufacturers have demonstrated products that can meet the performance requirements of Table B, provide satisfactory results when used in non-RP-8 compliant installations in product testing, meet the requirements of these specifications, and passed a table top review.

Application Notes

- 1 Other products from these and other manufacturers meeting all project requirements and these specifications may exist. Careful comparison of proposed luminaires' goniophotometrics, colorimetry, photometric performance, and other project data, and tabletop disassembly and evaluation of construction is strongly urged.
- 2 Periodic review of the selection criteria and approved manufacturers is urged. LED lighting is a field of rapid change in technology and many new companies have entered the business, as well as the continued evolution of products by all manufacturers. Price alone should not be the deciding criterion.
- 3 Standard AGI-32 test designs for analysis and comparison are available through WRCOG to help assess candidate luminaires only. Actual proposed designs of each project should be analyzed to ensure proper performance in situ.
- 4 LightSuite 4 provides a Kilolumen classification system to minimize the number of different products (SKU's) to be used for community-wide conversion. Most manufacturers will be able to provide luminaires in each classification e.g. low, medium low, etc.

TABLE B
PHOTOMETRIC PERFORMANCE REQUIREMENTS
(Coordinate with LightSuite 4 Decisions)

Less than 5 Kilolumens

	Type II	Type III	Type IV
Street-side Coefficient of Utilization ³	67% min.		
Backlight (B)	0 or 1		
Uplight (U)	0		
Glare (G)	0 or 1		
House Side Shield Required ¹	If B1, otherwise by request		
Cul-de-sac shield required ²	By request		

Nominal 5 to 7.5 Kilolumens

	Type II	Type III	Type IV
Street-side Coefficient of Utilization ³	73% min.	70% min.	63% min.
Backlight (B)	0 or 1		
Uplight (U)	0		
Glare (G)	0 or 1		
House Side Shield Required ¹	If B1, otherwise by request		
Cul-de-sac shield required ²	Yes		

Nominal 7.5 to 12.5 Kilolumens

	Type II	Type III	Type IV
Street-side Coefficient of Utilization ³	76% min.	74% min.	70% min.
Backlight (B)	0, 1 or 2		
Uplight (U)	0		
Glare (G)	0, 1, or 2	0, 1, 2 or 3	0, 1, 2 or 3
House Side Shield Required ¹	If B2, otherwise by request		
Cul-de-sac shield required ²	Yes		

1 Nominal 12.5 to 17.5 Kilolumens

	Type II	Type III	Type IV
Street-side Coefficient of Utilization ³	80% min.	76% min.	75% min.
Backlight (B)	0, 1 or 2		
Uplight (U)	0		
Glare (G)	0, 1, or 2	0, 1, 2 or 3	0, 1, 2 or 3
House Side Shield Required ¹	If B2 or B3; otherwise by request		
Cul-de-sac shield required ²	Yes		

2

3 **Footnotes for all luminaires**

4 ¹ If installed on a residential street or residential collector; optional to install by request by
 5 Owner or as additional service

6 ² If installed on a residential cul-de-sac or L intersection

7 ³ Without detachable shields

8

THERE IS NO TABLE C

1
2
3

TABLE D
PRODUCT SUBMITTAL FORM

Luminaire Type ¹		
Manufacturer		
Model number		
Housing finish color		
Tenon nominal pipe size (inches)		
Nominal luminaire weight (lb)		
Nominal luminaire EPA (ft ²)		
Nominal input voltage (V)		
ANSI vibration test level	☐ Level 1 (Normal)	☐ Level 2 (bridge/overpass)
Nominal BUG Ratings		
Make/model of LED light source(s)		
Make/model of LED driver(s)		
Dimmability	☐ Dimmable	☐ Not dimmable
Control signal interface		
Upon electrical immunity system failure	☐ Possible disconnect	☐ No possible disconnect
Thermal management	☐ Moving parts	☐ No moving parts
Lumen maintenance testing duration (hr)		
Reported lumen maintenance life (hr) ²		
Warranty period (yr)		
Parameter	Nominal value	Tolerance (%)
Initial photopic output (lm)		
Maintained photopic output (lm)		
Lamp lumen depreciation		
Initial input power (W)		
Maintained input power (W)		
Initial LED drive current (mA)		
Maintained LED drive current (mA)		
Drive current used		
In-situ LED T _c (°C)		
CCT (K)		
Additional product description		

4

¹ See Table A, and attach supporting documentation as required.

² Value shall be no less than as specified in section 1.6-C, and shall not exceed six times the testing duration indicated in the row above. Value shall be consistent with values submitted in the rows below for maintained light output, maintained input power, and maintained drive current.

DESIGN STANDARDS FOR NEW OR RELOCATED STREET LIGHTING

Section 1. INTENT

The purpose of this Standard is to provide standards for street lighting that will:

- A. Provide high quality street lighting for the community meeting or exceeding minimum national recommendations.
- B. Help mitigate light pollution, reduce skyglow and improve the nighttime environment for astronomy and the Palomar Observatory and the overall enjoyment of the naturally dark night sky;
- C. Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
- D. Help protect human health and wellness and the natural environment from the adverse effects of man-made outdoor lighting.
- E. Conserve energy and resources to the greatest extent possible.

Section 2. CONFORMANCE WITH APPLICABLE LAWS, CODES, REGULATIONS and STANDARDS

All street lighting shall be installed in conformance with the provisions of this standard and the applicable provisions of the standards of the community regulating the installation of such fixtures, the California Building Code Title 24 Part 1, the California Electrical Code Title 24 Part 3, the California Building Energy Efficiency Standards Title 24 Part 6, the California Sustainability Standards Title 24 Part 11 "CalGreen", and all other applicable requirements.

Section 3. SCOPE

This standard shall apply to the construction, alteration, movement, enlargement, replacement and installation of street lighting and its related electrical service throughout the community including but not limited to:

- A. Street lighting for public streets, roadways, alleys and other rights of way including walkways and bikeways.
- B. Street lighting for private roadways, walkways and bikeways.

- C. Street lighting for private developments where the street lighting will be deeded to the community at some time in the future.

Exceptions to Section 3

1. Facilities, sites or roadways under the sole jurisdiction of the Federal or State Governments or within the jurisdiction of a sovereign nation.
2. Lighting specifically governed by a Federal or State regulation or statute.
3. Lighting subject to the terms of a Special Plan approved by the community.

Section 4. ALTERNATE MATERIALS AND METHODS OF INSTALLATION.

This standard is not intended to prevent the use of any design, material or method of installation not expressly forbidden, provided any such alternate has been approved if it:

- A. Provides at least approximate equivalence to the applicable specific requirements of this standard; and
- B. Is otherwise satisfactory and complies with the intent of this standard.

Section 5. DEFINITIONS.

- A. **Street Lighting** means luminaire(s), installed outdoors, and used to illuminate a street or roadway and/or any part of the public right of way including but not limited to, sidewalks, bikeways, alleys, intersections, ramps, underpasses, overpasses, curbs, medians, or shoulders.
- B. **Street** means major, collector and local roads where pedestrians and bicyclists are generally present.
- C. **Roadway** means, freeways, expressways, limited access roads, and roads on which pedestrians, cyclists and parked vehicles are generally not present.
- D. **Residential street** means a street that is exclusively serving residential properties and for which the posted speed limit is 25 mph (40 kph) or less.
- E. **Luminaire** means a complete illuminating device, lighting fixture or other device that emits light, consisting of light source(s) together with the parts designed to distribute the light, to position and protect the light source(s), to regulate the electrical power, and to connect the light sources to the power supply.
- F. **IES** means the Illuminating Engineering Society of North America.

- 1 G. **RP-8** means the current version of the IES Recommended Practice for Roadway Lighting,
2 RP-8.
- 3 H. **RP-22** means the current version of the IES Recommended Practice for Tunnel Lighting
4 RP-22.
- 5 I. **DG-21** means the current version of the IES Design Guide for Residential Street Lighting.
- 6 J. **TM-15** means the current version of the IES Technical Memorandum, Luminaire
7 Classification System for Outdoor Luminaires
- 8 K. **Palomar Zone A** is established by Riverside County Ordinance 655 and means all
9 properties and land uses in plan view within the circular area fifteen (15) miles in radius
10 centered on Palomar Observatory.
- 11 L. **Palomar Zone B** is established by Riverside County Ordinance 655 and means all
12 properties and land uses in plan view the circular ring area between by two circles, one
13 forty-five (45) miles in radius centered on Palomar Observatory, and the other the
14 perimeter of Zone A.
- 15 M. **Palomar Zone C** means the remainder of Riverside County outside of the perimeter of
16 Zone B.
- 17 N. **BUG rating of an outdoor luminaire** means the ranking of the luminaire using a
18 photometric report to establish the Backlight (B), Uplight (U) and Glare (G) ranking per
19 IES TM-15.
- 20 O. **LED** means light emitting diode solid state lighting source.
- 21 P. **Dedicated LED** means a luminaire with a hard-wired LED light generating module and a
22 separate driver.
- 23 Q. **Photometric Report** means a complete photometric report from a NVLAP certified test
24 laboratory.
- 25 R. **AASHTO** means the American Association of State Highway Traffic Officials.

26 **Section 6. TITLE 24 LIGHTING ZONES**

- 27 A. For the purposes of complying California Code of Regulations, Title 24, Part 1, Section 10-
28 114 and Title 24, Part 11, Section 5.106.8, Zone A as defined above shall be Lighting Zone
29 1 (LZ-1), Zone B as defined above shall be Lighting Zone 2 (LZ-2). The balance of the
30 County shall be LZ-2 or LZ-3 per the statewide default zones or as set by the community.

- B. The community shall establish a method for applicant(s) to request and to set a different lighting zone per Title 24, Part 1 Section 10-114 for a specific parcel or project.

Section 7. GENERAL REQUIREMENTS.

- A. Streetlights shall utilize dedicated LED luminaries and shall be designed per these Standards, field inspected and approved prior to requesting energizing or acceptance.

- B. All wiring for street lighting shall be underground, per these standards and these specifications for power to be supplied from community owned service points from the utility.

- C. Street lighting on private roads shall be constructed per these Standards.

- D. Street lighting shall be designed and installed per the Title 24 Lighting Zones as described herein.

- E. Street lighting shall be fully shielded and emit no uplight (BUG rating U=0).

Exception to Section 7. (D.) Decorative street lights not meeting the BUG requirements for the Lighting Zone in which they are proposed and having uplight (BUG rating U≠0) are not permitted except by Special Plan or special permission of the community.

Section 8. ILLUMINATING ENGINEERING REQUIREMENTS FOR NEW STREET LIGHTING INSTALLATIONS

A. Scope

1. All streets and roadways unless otherwise directed by community.
2. Walkways and sidewalks directly associated with streets and roadways to be illuminated.

B. Not in scope

1. Walkways and bikeways not directly associated with a street or roadway.
2. Service roads for public facilities and parks, unless otherwise directed by community.

C. Street and Roadway lighting requirements

1. Lighting for all streets and roadways shall be per RP-8.

2. The community shall establish whether the street to be lighted is a “major”, “collector”, or “local” for the purposes of designing street lighting.
3. The pedestrian area classification shall be “LOW” conflict except for the following:
 - a. Within ¼ mile (400 m) of the property line of any school, library, city hall, retail shopping districts senior center, park, bus stop or hospital, the pedestrian area classification shall be “MEDIUM”.
 - b. Within 1/8 mile (200 m) of any transit station, the pedestrian area classification shall be “HIGH”
 - c. As determined by community.

EXCEPTION TO Section 8. (A.)

- 1) In Zone A and Lighting Zone 1 (LZ-1), for residential streets, street lighting shall be limited to (1) light at each residential street or residential street/residential minor collector intersection and (1) light mod block per DG-21. There shall be no requirements to meet illuminance, luminance or uniformity requirements. Lighting for walkways and sidewalks may be incidental because of the street lights.
- 2) Exception 1 to Section 8. (A.), may be applied to any residential street with the approval of community.

D. Intersection lighting requirements

1. Unless otherwise permitted by community, provide at least four pedestrian crossing safety lights at each signaled intersection.
2. Light levels shall be per RP-8.
3. The pedestrian area classification shall be the highest of any of the intersecting streets or roadways within 1/8 mile (200m) of the intersection.

EXCEPTION to Section 8. (D.)

- 1) Partial lighting for isolated intersections per RP-8 when permitted by community.

E. Other lighting requirements

1. The following shall be illuminated per RP-8 unless otherwise directed by community.
 - a. Railroad grade crossings
 - b. Overpasses and bridges
 - c. Roundabouts
 - d. Ramps and similar elements

2. The pedestrian area classification shall be the highest of any of the connecting streets or roadways.

3. Tunnels and underpasses shall be illuminated per RP-22.

F. Chromaticity

1. Per Table 8-1.

	Palomar Zone A and Lighting Zone LZ-1	Palomar Area B and C and Lighting Zones LZ-2 through LZ-4
Maximum Color Temperature		
Intersection Safety Lights	2700K	2700K or 3000K
Highways, Arterials and Major Collectors	2700K	2700K or 3000K
Minor Collectors and Streets	2700K	2700K
Residential Streets	2700K	2700K

Table 8-1. Maximum Allowed Color Temperature Per Lighting Zones

Application Notes

A. 2700K has been tested and accepted by WRCOG for intersection safety lights and highways, arterials and major collectors.

B. Per IES there no significant difference in any performance characteristic involving safety or security between 2700K and 3000K.

C. 2700K causes less light pollution per lumen than does 3000K.

Section 9. PRODUCT SPECIFICATIONS

A. Luminaires shall comply with the current WRCOG LightSuite 1, Specification of LED Cobrahead Luminaires for New and Relocated Street Lighting Systems.

B. Design shall include selection of luminaires, poles, mast arms, and other components affecting the performance of the street lighting system.

C. Poles, mast arms, bases, electrification and all other parts of the street lighting system shall meet engineering standards of the community.

Application Note: LightSuite 4 Table 7-2 suggests a system for minimizing the number of different types of luminaires (SKU's) in order to simplify product ordering, replacement and stock management.

Section 10.

SUBMITTALS FOR APPROVAL

A. Plan(s) of the proposed lighting installation clearly identifying:

1. The criteria for each roadway segment, intersection, and other elements as required in Section 8. (C.), (D.), and (E.), above. Information affecting criteria selection, such as proximity to a school or transit stop shall be included. Calculations representing typical stretches of roadways or streets may be permitted for each condition of Lighting Zone, pedestrian area classification, posted speed or other differences.
2. The AASHTO pavement type(s), e.g. R1, R2, etc.
3. Point-by point lighting calculations on a grid not larger than 2.5' x 2.5 (.75m x .75m).
4. Calculation summaries showing average, minimum, and maximum values and ratios as contained in the tables of criteria in RP-8.
5. Calculations to include roadways, intersections, walkways, and all other parts of the project for which criteria were developed under Section 9. (A.) 1.
6. Schedule of luminaires including mounting height, mast arm length, and pole base locations.

B. Specifications for each luminaire to include:

1. Product datasheet.
2. Photometric report.
 - a. Must clearly indicate BUG rating per TM-15.
3. Drawing of pole or standard including base details.
4. Drawing of mast arm if used.
5. Datasheet for driver and surge suppressor.
6. Datasheet for photocell.

END OF SECTION

SPECIFICATIONS OF LED LUMINAIRES FOR REPLACEMENT OF COBRAHEAD STREET LIGHTING SYSTEMS

PART 1 – GENERAL

1.1. SCOPE

Luminaires to be used for replacement of legacy high intensity discharge street lighting systems.

1.2. REFERENCES

The publications listed below form a part of this specification to the extent referenced. Publications are referenced within the text by their basic designation only. Versions listed shall be superseded by updated versions as they become available.

A. American National Standards Institute (ANSI)

1. C136.2-2004 (or latest), American National Standard for Roadway and Area Lighting Equipment—Luminaire Voltage Classification
2. C136.10-2010 (or latest), American National Standard for Roadway and Area Lighting Equipment - Locking-Type Photocontrol Devices and Mating Receptacle Physical and Electrical Interchangeability and Testing
3. C136.15-2011 (or latest), American National Standard for Roadway and Area Lighting Equipment – Luminaire Field Identification
4. C136.22-2004 (R2009 or latest), American National Standard for Roadway and Area Lighting Equipment – Internal Labeling of Luminaires
5. C136.25-2009 (or latest), American National Standard for Roadway and Area Lighting Equipment – Ingress Protection (Resistance to Dust, Solid Objects and Moisture) for Luminaire Enclosures
6. C136.31-2010 (or latest), American National Standard for Roadway Lighting Equipment – Luminaire Vibration
7. C136.37-2011 (or latest), American National Standard for Roadway and Area Lighting Equipment - Solid State Light Sources Used in Roadway and Area Lighting

B. American Society for Testing and Materials International (ASTM)

1. B117-09 (or latest), Standard Practice for Operating Salt Spray (Fog) Apparatus

- 1 2. D1654-08 (or latest), Standard Test Method for Evaluation of Painted or Coated
- 2 Specimens Subjected to Corrosive Environments
- 3 3. D523-08 (or latest), Standard Test Method for Specular Gloss
- 4 4. G154-06 (or latest), Standard Practice for Operating Fluorescent Light Apparatus
- 5 for UV Exposure of Nonmetallic Materials
- 6 C. Council of the European Union (EC)
- 7 1. RoHS Directive 2002/95/EC, on the restriction of the use of certain hazardous
- 8 substances in electrical and electronic equipment
- 9 D. Federal Trade Commission (FTC)
- 10 1. Green Guides, 16 CFR Part 260, Guides for the Use of Environmental Marketing
- 11 Claims
- 12 E. Illuminating Engineering Society of North America (IESNA or IES)
- 13 1. DG-21-15, Design Guide for Residential Lighting
- 14 2. DG-4-03 (or latest), Design Guide for Roadway Lighting Maintenance
- 15 3. HB-10-11 (or latest), IES Lighting Handbook, 10th Edition
- 16 4. LM-50-99 (or latest), IESNA Guide for Photometric Measurement of Roadway
- 17 Lighting Installations
- 18 5. IES RES-1-16, Measure and Report on Luminaire Dirt Depreciation (LDD) in
- 19 LED Luminaires for Street and Roadway Lighting Applications
- 20 6. LM-61-06 (or latest), Approved Guide for Identifying Operating Factors
- 21 Influencing Measured Vs. Predicted Performance for Installed Outdoor High
- 22 Intensity Discharge (HID) Luminaires
- 23 7. LM-79-08 (or latest), IESNA Approved Method for the Electrical and
- 24 Photometric Measurements of Solid-State Lighting Products
- 25 8. LM-80-08 (or latest), IESNA Approved Method for Measuring Lumen
- 26 Maintenance of LED Light Sources
- 27 9. RP-8-14 ANSI / IESNA American National Standard Practice for Roadway
- 28 Lighting
- 29 10. RP-16-10 (or latest), ANSI/IES Nomenclature and Definitions for Illuminating
- 30 Engineering
- 31 11. TM-3-95 (or latest), A Discussion of Appendix E - "Classification of Luminaire
- 32 Lighting Distribution," from ANSI/IESNA RP-8-83
- 33 12. TM-15-11 (or latest), Luminaire Classification System for Outdoor Luminaires
- 34 13. TM-21-11 (or latest), Projecting Long Term Lumen Maintenance of LED Light
- 35 Sources
- 36 F. Institute of Electrical and Electronics Engineers (IEEE)
- 37 1. IEEE C62.41.2-2002 (or latest), IEEE Recommended Practice on
- 38 Characterization of Surges in Low-Voltage (1000 V and less) AC Power Circuits

2. ANSI/IEEE C62.45-2002 (or latest), IEEE Recommended Practice on Surge Testing for Equipment Connected to Low-Voltage (1000 V and Less) AC Power Circuits
- G. National Electrical Manufacturers Association (NEMA)
 1. ANSI/NEMA/ANSI C78.377-2008 (or latest), American National Standard for the Chromaticity of Solid State Lighting Products
- H. National Fire Protection Association (NFPA)
 1. NFPA-70-14 – National Electrical Code (NEC)
- I. Underwriters Laboratories (UL)
 1. 1449, Surge Protective Devices
 2. 1598, Luminaires and Poles
 3. 8750, Light Emitting Diode (LED) Equipment for Use in Lighting Products
- J. City Standards for Street Lighting
- K. Southern California Edison
 1. Standards for services to customer-owned street lighting systems
 2. Standard specifications for Public Works Construction (Greenbook) (latest edition), Subsections 700 and 701 and all included cross references.

1.3. RELATED DOCUMENTS

- A. LightSuite 2, Design Standards for New and Relocated Street Lighting Systems.

1.4. DEFINITIONS

- A. Lighting terminology used herein is defined in IES RP-16. See referenced documents for additional definitions.
 1. Exception: The term “driver” is used herein to broadly cover both drivers and power supplies, where applicable.
 2. Clarification: The term “LED light source(s)” is used herein per IES LM-80 to broadly cover LED package(s), module(s), and array(s).

1.5. QUALITY ASSURANCE

- A. Before approval and purchase, furnish luminaire sample(s) identical to product configuration(s) submitted for inspection. Furnish IES LM-79 testing of luminaire sample(s) to verify performance is within manufacturer-reported tolerances.
- B. After installation, Owner may perform IES LM-50 field measurements to verify performance requirements outlined in Table A, considering measurement uncertainties outlined in IES LM-61.

1.6. LIGHTING SYSTEM PERFORMANCE

A. Energy Conservation

1. Lighting Controls

- a. See separate controls specification identified in section 1.2 above, if applicable.
- b. See section 2.1-B below for driver control interface and performance requirements.
- c. See section 2.1-K below for photocontrol receptacle requirements.

B. Photometric Requirements

1. Luminaires shall meet the general criteria provided in the body of this specification and the criteria for each luminaire type defined in Table A.

1.7. REQUIRED SUBMITTALS FOR EACH LUMINAIRE TYPE DEFINED IN TABLE A AND EACH PROPOSED MANUFACTURER

A. Use Table D attached hereto for each proposed luminaire.

B. General submittal content shall include

1. Completed Appendix E submittal form
2. Luminaire cutsheets
3. Cutsheets for LED light sources
4. Cutsheets for LED driver(s)
 - a. If dimmable LED driver is specified, provide diagrams illustrating light output and input power as a function of control signal.
5. Cutsheets for surge protection device, if applicable
6. Instructions for installation and maintenance
7. Summary of luminaire recycled content and recyclability per the FTC Green Guides, expressed by percentage of luminaire weight

C. LM-79 luminaire photometric report(s) shall be produced by the test laboratory and include

1. Name of test laboratory
 - a. The test laboratory must hold National Voluntary Laboratory Accreditation Program (NVLAP) accreditation for the IES LM-79 test procedure.
2. Report number
3. Date
4. Complete luminaire catalog number
 - a. Provide explanation if catalog number in test report(s) does not match catalog number of luminaire submitted
 - i. Clarify whether discrepancy does not affect performance, e.g., in the case of differing luminaire housing color.

- ii. If nominal performance of submitted and tested products differ, submit additional LM-79 report(s) and derivation as indicated in Appendix C.
5. Description of luminaire, LED light source(s), and LED driver(s)
6. Goniophotometry
7. Colorimetry
8. IES TM-21-11 calculations that derive the lumen maintenance (lamp lumen depreciation or LLD) factor applied to photometric calculations specified herein. TM-21 calculations must apply to the maximum LED case temperature from ISTMT, shall not extrapolate beyond six times the duration of available LM-80 test data, and submitted in the spreadsheet format of the ENERGY STAR TM-21 calculator.
- D. Predicted dirt depreciation per IES RES-1-16 Page 72 Tables 7 and 8 for the optical system used.
- E. Computer-generated point-by-point photometric analysis of maintained photopic light levels.
 1. Calculations shall be for maintained values, i.e. Light Loss Factor (LLF) < 1.0 , where $LLF = LLD \times LDD \times LATF$, and
 - a. Lamp Lumen Depreciation (LLD)
 - i. Shall be 0.8 (L_{80}) for all luminaires
 - b. Luminaire Dirt Depreciation (LDD) per IES RES-1-16 and assuming 5-year cleaning cycle.
 - c. Luminaire Ambient Temperature Factor ($LATF$) = 1.00
 2. Use of IES HB-10 mesopic multipliers
 - a. Shall be disallowed herein, by assuming an S/P ratio of 1.00 for all luminaires.
 3. Calculation/measurement points shall be per IES RP-8.
 4. Software shall be AGI32 using roadway methods and insofar as possible, on WRCOG standard test designs.
- F. Summary of Joint Electron Devices Engineering Council (JEDEC) or Japan Electronics and Information Technology Industries (JEITA) reliability testing performed for LED packages
- G. Summary of reliability testing performed for LED driver(s)
- H. Written product warranty as per section 1.7 below
- I. Safety certification and file number
 1. Applicable testing bodies are determined by the US Occupational Safety Health Administration (OSHA) as Nationally Recognized Testing Laboratories (NRTL) and include: CSA (Canadian Standards Association), ETL (Edison Testing Laboratory), and UL (Underwriters Laboratory).

1 1.8.WARRANTY

- 2 A. Provide a minimum ten-year warranty covering maintained integrity and functionality of
 - 3 1. Luminaire housing, wiring, and connections
 - 4 2. LED light source(s)
 - 5 a. Negligible light output from more than 10 percent of the LED packages
 - 6 constitutes luminaire failure.
 - 7 3. LED driver(s)
 - 8 a.Failure to dim if connected to a control system and using proper
 - 9 components constitutes luminaire failure
- 10 B. Warranty period shall begin upon installation, or as negotiated by owner such as in the
- 11 case of an auditable asset management system.
- 12 C. Warranty to provide for replacement of product with new product of equivalent
- 13 appearance, CCT, CRI, and photometric performance.
- 14 D. Upon request prior to approval, manufacturer may be required to provide proof of
- 15 financial viability which may include any information deemed necessary to determine the
- 16 manufacturer's ability to fully service their warranty.

18 PART 2 – PRODUCTS

19 2.1. LUMINAIRES

- 20 A. General Requirements
 - 21 1. Luminaires shall be as specified for each type in Table B.
 - 22 2. Luminaire shall have an external label per ANSI C136.15
 - 23 3. Luminaire shall have an internal label per ANSI C136.22.
 - 24 4. Nominal luminaire input wattage shall account for nominal applied voltage and
 - 25 any reduction in driver efficiency due to sub-optimal driver loading.
 - 26 5. Luminaires shall start and operate in -20°C to +40°C ambient.
 - 27 6. Electrically test fully assembled luminaires before shipment from factory.
 - 28 7. Effective Projected Area (EPA) of the luminaire shall not exceed the EPA of the
 - 29 luminaire being replaced.
 - 30 8. Luminaires shall be designed for ease of component replacement and end-of-life
 - 31 disassembly.
 - 32 9. Luminaires shall be rated for the ANSI C136.31 Vibration Level indicated in
 - 33 Table A.
 - 34 10. LED light source(s) and driver(s) shall be RoHS compliant.
 - 35 11. Transmissive optical components shall be applied in accordance with OEM
 - 36 design guidelines to ensure suitability for the thermal/mechanical/chemical
 - 37 environment.

1 B. Driver

- 2 1. Rated case temperature shall be suitable for operation in the luminaire operating
3 in the ambient temperatures indicated in section 2.1-A above.
- 4 2. Shall accept the voltage or voltage range indicated in Table A at 50/60 Hz, and
5 shall operate normally for input voltage fluctuations of plus or minus 10 percent.
- 6 3. Shall have a minimum Power Factor (PF) of 0.90 at full input power and across
7 specified voltage range.
- 8 4. Control signal interface
- 9 a. Luminaire types indicated “Required” in Table A shall accept a control
10 signal as specified via separate controls specification referenced in section
11 1.2 above, e.g., for dimming.
- 12 b. Luminaire types indicated “Not Required” in Table A need not accept a
13 control signal.

14 C. Electrical transient and surge immunity

- 15 1. Luminaire shall meet the “Elevated” requirements in Appendix D. Manufacturer
16 shall indicate on submittal form (Appendix E) whether failure of the electrical
17 immunity system can possibly result in disconnect of power to luminaire.

18 D. Electromagnetic interference

- 19 1. Shall have a maximum Total Harmonic Distortion (THD) of 20% at full input
20 power and across specified voltage range.
- 21 2. Shall comply with FCC 47 CFR part 15 non-consumer RFI/EMI standards.

22 E. Electrical safety testing

- 23 1. Luminaire shall be listed for wet locations by an OSHA NRTL.
- 24 2. Luminaires shall have locality-appropriate governing mark and certification.

25 F. Painted or finished luminaire components exposed to the environment

- 26 1. Shall exceed a rating of six per ASTM D1654 after 1000hrs of testing per ASTM
27 B117.
- 28 2. The coating shall exhibit no greater than 30% reduction of gloss per ASTM D523,
29 after 500 hours of QUV testing at ASTM G154 Cycle 6.

30 G. Thermal management

- 31 1. Mechanical design of protruding external surfaces (heat sink fins) for shall
32 facilitate hose-down cleaning and discourage debris accumulation.
- 33 2. Liquids or other moving parts shall be clearly indicated in submittals, shall be
34 consistent with product testing, and shall be subject to review by Owner.

35 H. IES TM-15 limits for Backlight, Uplight, and Glare (BUG Ratings) shall be as specified
36 for each luminaire type in Table A.

- 37 1. Calculation of BUG Ratings shall be for initial (worst-case) values, i.e., Light
38 Loss Factor (LLF) = 1.0.

39 I. Minimum Color Rendering Index (CRI): 70.

J. Correlated Color Temperature (CCT)

1. Nominal 2700K (3000K for certain applications only).
2. Allowable 2580 to 2870K per IES LM-79.
3. Allowable -.006 to .006 D_{uv} per IES LM-79.

K. The following shall be in accordance with corresponding sections of ANSI C136.37

1. Wiring and grounding
 - a. All internal components shall be assembled and pre-wired using modular electrical connections.
2. Mounting provisions
 - a. Specific configurations are indicated in Table A
3. Terminal blocks for incoming AC lines
4. Photocontrol receptacle
5. Latching and hinging
6. Ingress protection

L. Luminaire Construction

1. Weight
 - a. The net weight of each luminaire less than 46 (21 kg) pounds including mounting devices and backlight shields.
2. Housing
 - a. Tool-less entry
 - b. Die-cast aluminum alloy meeting ASTM Specification A380. Alternate materials may be considered but shall be submitted to the Owner for review and approval.
 - c. Encloses the mounting hardware, LED arrays, control receptacle, terminal board, and electronic driver.
 - d. Includes a surface to facilitate leveling with a spirit level.
 - e. Integral heat sink characteristics, such that all enclosed components will operate within their designed operating temperatures under expected service conditions. No external or removable heat shields or heat sinks are permitted.
 - f. Designed to encourage water shedding.
 - g. Designed to minimize dirt and bug accumulation on the optic surface.
 - h. Permanently affixed easily-viewable nameplate inside of each luminaire housing containing the manufacturer's name, manufacturer's catalog number, date of manufacture (month and year), plant location, input power consumption, driver output current, IEC IP Rating, correlated color temperature (CCT), IES light distribution type, IESNA TM-15 BUG ratings, and serial number.
 - i. City approved luminescent name plate meeting American National Standard for Roadway and Area Lighting Equipment-Luminaire Field

Identification (ANSI C136.15-2015) shall be permanently affixed on the exterior of the Luminaire to be visible from the ground. In addition, the name plate shall indicate nominal lumen package rounded to the nearest thousand lumens, e.g. 2800 lumens would read as “3KL” and 11200 lumens would read as “11KL”.

3. Mounting Provisions.

- a. Standard heavy gauge slip fitter clamping assembly suitable for secure attachment over the end of a nominal two 2” IP (2.375” OD) steel pipe with an approved means of clamping it firmly in mounting bracket. The slip fitter mounting clamp must contain an approved shield around the pipe entrance to block the entry of birds.
- b. Leveling adaptor to permit at least 15 degrees of correction to level luminaire with respect to normal to photometric nadir (straight down).
- c. Adaptor fittings for nominal 1.5 inch IP, 1.75 inch IP, 2.25 inch IP and 2.5 inch IP mast arms.

4. Access Door-Panel.

- a. Die-cast aluminum door-panel composed of aluminum alloy A380. Alternate materials may be considered but shall be submitted to the Owner for review and approval.
- b. Provides access to the terminal strip and LED driver.
- c. Hinged to the luminaire housing and suitably latched and fastened at the closing end.
- d. Easily removed.
- e. Captive hardware for the hinge and fastening devices.

5. Hardware.

- a. Machine screws, locknuts, pins and set screws necessary to make a firm assembly, and for its secure attachment to the mast arm, must be furnished in place.
- b. Hardware must be of stainless steel, zinc plated steel, copper silicon alloy or other non-corrosive metal, and where necessary must be suitably plated to prevent electrolytic action by contact with dissimilar metals.

6. Finish.

- a. Polyester powder coat with a minimum 2.0 mil thickness.
- b. Surface texture and paint quality subject to approval.
- c. Color must be as specified in the order.
- d. Finish must exceed a rating of six per ASTM D1654 after 1000 hours of testing per ASTM B117.
- e. The coating must exhibit no greater than 30% reduction of gloss per ASTM D523 after 500 hours of QUV testing at ASTM G154 Cycle 6.

7. Ingress Protection.

- a. Electric compartment housing must have an ingress protection rating of IP54 or better as described in ANSI C136.25-2013.
- b. The optical system must have a minimum rating of IP 66.
- c. Listed for wet locations by a U.S. Occupational Safety Health Administration (OSHA) Nationally Recognized Laboratory (NRTL) and have a safety certification and file number indicating compliance with UL 1598.

8. LED Optical Arrays

- a. Factory installed.
- b. No required field adjustment for specified photometric performance.

9. Terminal Block

- a. High grade molded plastic of the barrier or safety type.
- b. Within the water tight part of the housing in a readily accessible location.
- c. Pre-wired to all luminaire components
- d. Copper plated clamp-type pressure connector approved type for "line" connections, to accommodate wire sizes from #14 to #6 A.W.G.
- e. Internal component connections either the screw-clamp or quick disconnect type.

2.2. PRODUCT MANUFACTURERS AND APPROVED PRODUCTS

- A. Approved manufacturers are listed in Table A.
- B. Select products to replace existing luminaires using Tables A and B, including application notes, as recommended in LightSuite 4.
- C. Specific products proposed for a specific project should be submitted using Table C along with a physical sample.
- D. Optimize performance for the existing conditions. For illuminating engineering, WRCOG will provide access to AGI32 models to determine best possible performance under common circumstances found throughout Western Riverside County.

2.3. MANUFACTURER SERVICES

- A. The manufacturer shall provide full support for the project including, but not limited to, AGI-32 lighting calculations, required tests and certifications, and all other services necessary to permit products to be applied as intended by these specifications.
- B. The manufacturer shall notify the contractor immediately of product changes and bulletins and provide new specifications and test reports.
- C. Manufacturer or local sales representative shall provide installation and troubleshooting support in person and shall identify the name of a factory trained sales agent in Riverside County to service the Project.

TABLE A
APPROVED MANUFACTURERS OF LIGHTING PRODUCTS

Candidate luminaires for street and roadway lighting products were tested and evaluated in the winter of 2016-2017. The following manufacturers' products were generally found to be of suitable quality and performance. However, specific products to be used shall meet the minimum performance requirements from Table B. Make necessary changes due to the nature of the specific project, changes due to product offerings, and/or changes required by the Owner. Listed alphabetically; no preference due to order is intended.

Acuity Brands Lighting (American Electric Lighting and other brands)
 Hubbell Lighting (Beacon Lighting and other brands)
 Cree Lighting
 Eaton Lighting (Streetworks and other brands)
 General Electric (Current and other brands)
 Leotek Lighting
 Philips Lighting (Lumec and other brands)

All the above manufacturers have demonstrated products that can meet the performance requirements of Table B, provide satisfactory results when used in non-RP-8 compliant installations when used per Table C, meet the requirements of these specifications, and passed a table top review.

Application Notes

- 1 Other products from these and other manufacturers meeting all project requirements and these specifications may exist. Careful comparison of proposed luminaires' goniophotometrics, colorimetry, photometric performance, and other project data, and tabletop disassembly and evaluation of construction is strongly urged.
- 2 Periodic review of the selection criteria and approved manufacturers is urged. LED lighting is a field of rapid change in technology and many new companies have entered the business, as well as the continued evolution of products by all manufacturers. Price alone should not be the deciding criterion.
- 3 Standard AGI-32 test designs for analysis and comparison are available through WRCOG.

TABLE B
MINIMUM PHOTOMETRIC PERFORMANCE REQUIREMENTS

Less than 5 Kilolumens

	Type II	Type III	Type IV
Street-side Coefficient of Utilization ³	67% min.		
Backlight (B)	0 or 1		
Uplight (U)	0		
Glare (G)	0 or 1		
House Side Shield Required ¹	If B1, otherwise by request		
Cul-de-sac shield required ²	By request		

Nominal 5 to 7.5 Kilolumens

	Type II	Type III	Type IV
Street-side Coefficient of Utilization ³	73% min.	70% min.	63% min.
Backlight (B)	0 or 1		
Uplight (U)	0		
Glare (G)	0 or 1		
House Side Shield Required ¹	If B1, otherwise by request		
Cul-de-sac shield required ²	Yes		

Nominal 7.5 to 12.5 Kilolumens

	Type II	Type III	Type IV
Street-side Coefficient of Utilization ³	76% min.	74% min.	70% min.
Backlight (B)	0, 1 or 2		
Uplight (U)	0		
Glare (G)	0, 1, or 2	0, 1, 2 or 3	0, 1, 2 or 3
House Side Shield Required ¹	If B2, otherwise by request		
Cul-de-sac shield required ²	Yes		

1 Nominal 12.5 to 17.5 Kilolumens

	Type II	Type III	Type IV
Street-side Coefficient of Utilization ³	80% min.	76% min.	75% min.
Backlight (B)	0, 1 or 2		
Uplight (U)	0		
Glare (G)	0, 1, or 2	0, 1, 2 or 3	0, 1, 2 or 3
House Side Shield Required ¹	If B2 or B3; otherwise by request		
Cul-de-sac shield required ²	Yes		

2

3 Footnotes for all luminaires

4 ¹ If installed on a residential street or residential collector; optional to install by request by
 5 Owner or as additional service

6 ² If installed on a residential cul-de-sac or L intersection

7 ³ Without detachable shields

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TABLE C
PRODUCT SUBMITTAL FORM

Luminaire Type ¹		
Manufacturer		
Model number		
Housing finish color		
Tenon nominal pipe size (inches)		
Nominal luminaire weight (lb)		
Nominal luminaire EPA (ft ²)		
Nominal input voltage (V)		
ANSI vibration test level	☐ Level 1 (Normal)	☐ Level 2 (bridge/overpass)
Nominal BUG Ratings		
Make/model of LED light source(s)		
Make/model of LED driver(s)		
Dimmability	☐ Dimmable	☐ Not dimmable
Control signal interface		
Upon electrical immunity system failure	☐ Possible disconnect	☐ No possible disconnect
Thermal management	☐ Moving parts	☐ No moving parts
Lumen maintenance testing duration (hr)		
Reported lumen maintenance life (hr) ²		
Warranty period (yr)		
Parameter	Nominal value	Tolerance (%)
Initial photopic output (lm)		
Maintained photopic output (lm)		
Lamp lumen depreciation		
Initial input power (W)		
Maintained input power (W)		
Initial LED drive current (mA)		
Maintained LED drive current (mA)		
Drive current used		
In-situ LED T _c (°C)		
CCT (K)		
Additional product description		

4

END OF SECTION

¹ See Table A, and attach supporting documentation as required.

² Value shall be no less than as specified in section 1.6-C, and shall not exceed six times the testing duration indicated in the row above. Value shall be consistent with values submitted in the rows below for maintained light output, maintained input power, and maintained drive current.

DESIGN STANDARDS FOR LED REPLACEMENT STREET LIGHTING

Section 1. INTENT

The purpose of this Standard is to provide standards for street lighting that will:

- A. Provide a high-quality conversion of existing street lighting that insofar as possible maintains essential qualities of the existing installation.
- B. Typically allow for reduced energy consumption of the existing street lighting by at least 50% compared to the existing legacy lighting system.
- C. Equip each luminaire with the means to communicate to a community-wide lighting network.
- D. Help mitigate light pollution, reduce skyglow and improve the nighttime environment for astronomy and the Palomar Observatory and the overall enjoyment of the naturally dark night sky;
- E. Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
- F. Help protect human health and wellness and the natural environment from the adverse effects of man-made outdoor lighting.

Section 2. CONFORMANCE WITH APPLICABLE LAWS, CODES, REGULATIONS and STANDARDS

All street lighting shall be installed in conformance with the provisions of this standard and the applicable provisions of the standards of the community regulating the installation of such fixtures, the California Building Code Title 24 Part 1, the California Electrical Code Title 24 Part 3, the California Building Energy Efficiency Standards Title 24 Part 6, the California Sustainability Standards Title 24 Part 11 “CalGreen”, and all other applicable requirements.

Section 3. SCOPE

This standard shall apply the conversion of legacy street lighting systems employing high intensity discharge (HID) lighting sources to light-emitting diode (LED) light sources for:

- 1 A. Street lighting for public streets, roadways, alleys and other rights of way including
- 2 walkways and bikeways.
- 3 B. Street lighting for private roadways, walkways and bikeways.
- 4 C. Street lighting for private developments where the street lighting will be deeded to the
- 5 community at some time in the future.

6 **Exceptions to Section 3**

- 7 1. Facilities, sites or roadways under the sole jurisdiction of the Federal or State
- 8 Governments or within the jurisdiction of a sovereign nation.
- 9 2. Lighting specifically governed by a Federal or State regulation or statute.
- 10 3. Lighting subject to the terms of a Special Plan approved by the community.

11 **Section 4. ALTERNATE MATERIALS AND METHODS OF**

12 **INSTALLATION.**

13 This standard is not intended to prevent the use of any design, material or method of installation not

14 expressly forbidden, provided any such alternate has been approved if it:

- 15 A. Provides at least approximate equivalence to the applicable specific requirements of this
- 16 standard; and
- 17 B. Is otherwise satisfactory and complies with the intent of this standard.

18 **Section 5. DEFINITIONS.**

- 19 A. **Street lights** means luminaire(s), installed outdoors, and used to illuminate a street or
- 20 roadway and/or any part of the public right of way including but not limited to, sidewalks,
- 21 bikeways, alleys, intersections, ramps, overpasses, curbs, medians, or shoulders.
- 22 B. **Street** means major, collector and local roads where pedestrians and bicyclists are
- 23 generally present.
- 24 C. **Roadway** means, freeways, expressways, limited access roads, and roads on which
- 25 pedestrians, cyclists and parked vehicles are generally not present.
- 26 D. **Residential street** means a street that is exclusively serving residential properties and for
- 27 which the posted speed limit is 25 mph (40 kph) or less.
- 28 E. **Luminaire** means a complete illuminating device, lighting fixture or other device that
- 29 emits light, consisting of light source(s) together with the parts designed to distribute the

light, to position and protect the light source(s), to regulate the electrical power, and to connect the light sources to the power supply.

F. **Legacy luminaire** means an existing cobrahead luminaire using a high intensity discharge light source including high pressure sodium (HPS), low pressure sodium (LPS), metal halide (MH), ceramic metal halide (CMH), or mercury vapor (MV).

G. **IES** means the Illuminating Engineering Society of North America.

H. **RP-8** means the current version of the IES Recommended Practice for Roadway Lighting, RP-8.

I. **RP-22** means the current version of the IES Recommended Practice for Tunnel Lighting RP-22.

J. **DG-21** means the current version of the IES Design Guide for Residential Street Lighting.

K. **TM-15** means the current version of the IES Technical Memorandum, Luminaire Classification System for Outdoor Luminaires

L. **Palomar Zone A** is established by Riverside County Ordinance 655 and means all properties and land uses in plan view within the circular area fifteen (15) miles in radius centered on Palomar Observatory.

M. **Palomar Zone B** is established by Riverside County Ordinance 655 and means all properties and land uses in plan view the circular ring area between by two circles, one forty-five (45) miles in radius centered on Palomar Observatory, and the other the perimeter of Zone A.

N. **Palomar Zone C** means the remainder of Riverside County outside of the perimeter of Zone B.

O. **BUG rating of an outdoor luminaire** means the ranking of the luminaire using a photometric report to establish the Backlight (B), Uplight (U) and Glare (G) ranking per IES TM-15.

P. **LED** means light emitting diode solid state lighting source.

Q. **Dedicated LED** means a luminaire with a hard-wired LED light generating module and a separate driver.

R. **Photometric Report** means a complete photometric report from a NVLAP certified test laboratory.

S. **AASHTO** means the American Association of State Highway Traffic Officials.

T. Roadway lighting distribution types as defined by IES

- a. **Type I** is a long, narrow symmetrical distribution having a preferred lateral width of 15 degrees in the cone of maximum candlepower. Typically, luminaires are located in the center of a roadway, such as in a median, where the mounting height is approximately equal to the roadway width on either side.
- b. **Type II** is a mildly asymmetric distribution is used for wide walkways, on ramps and entrance roadways, and narrow streets. Typically, the width of the roadway does not exceed 1.75 times the mounting height.
- c. **Type III** is an asymmetric distribution commonly used for lighting streets and roadways. Typically, the width of the roadway does not exceed 2.75 times the mounting height.
- d. **Type IV** is the most asymmetric distribution, commonly used for intersection safety lighting and extremely wide roadways. Typically, the width of the roadway does not exceed 3.75 times the mounting height.

Section 6. TITLE 24 LIGHTING ZONES

- A. For the purposes of complying California Code of Regulations, Title 24, Part 1, Section 10-114 and Title 24, Part 11, Section 5.106.8, Zone A as defined above shall be Lighting Zone 1 (LZ-1), Zone B as defined above shall be Lighting Zone 2 (LZ-2). The balance of the County shall be LZ-2 or LZ-3 per the statewide default zones or as set by the community.
- B. The community shall establish a method for applicant(s) to request and to set a different lighting zone per Title 24, Part 1 Section 10-114 for a specific parcel or project.

Section 7. DESIGN OF REPLACEMENT LIGHTING

A. General

1. Obtain a GIS computer database of the community's street lighting system. Determine the extent to which the database is acceptably accurate for the determinations to be made in this section. If necessary, devise an alternative course of action acceptable to the community.
2. Determine whether any street lights are made unnecessary by an immediately adjacent street light. Typical situations include intersections where intersection safety lights were added after the street light system was already in place. As approved by the community, identify redundant lighting for removal.

3. Determine whether the community currently has street lighting standards, and determine the extent to which they are met.
4. Review the current lighting system's performance relative to RP-8. Discuss and determine the desired outcome with the community.
 - a. If the existing lighting system does not meet RP-8, it is unlikely that simply replacing legacy luminaires with LED luminaires will bring an existing installation into compliance without changing pole locations, mounting heights, or mast arm lengths.
 - b. If the existing lighting system exceeds RP-8, determine whether reducing light levels to RP-8 is acceptable.
5. Review a map of the community with the community. Make and confirm determinations of characteristics in RP-8 (regardless of whether complying or not) that are to be used to determine lighting levels, including but not limited to:
 - a. Which are streets and which are roadways.
 - b. Which streets and roadways are "major", "collector", or "local" as defined by RP-8.
 - c. Where pedestrian conflict levels are low, medium or high.
 - d. Which streets are adjacent to or share the ROW with mass transit stops or bicycle paths.
 - e. Other considerations used to establish lighting requirements at the discretion of the community
6. For each legacy luminaire in the system, determine the appropriate LED replacement per Section 7. (D.) or (E.) below.
 - B. Street lighting shall be fully shielded and emit no uplight (BUG rating U=0).
 - C. Street lighting chromaticity shall be determined from Table 7-1.
 - D. Typical procedure for selecting appropriate LED luminaires without RP-8 compliance.
 1. Determine each legacy luminaire's primary characteristics
 - a. Light Source
 - b. Wattage of lamp

- c. Photometric type (e.g. type II medium, type III short, etc.)
2. Determine whether replacement is to be type a, b, or c as follows:
 - a. Most energy efficiency – recommended for most applications, generally maintains existing minimum light levels, improves uniformity. Typically considered acceptable when replacing HPS or LPS legacy systems with 2700K or 3000K LED lighting.
 - b. Compromise between energy efficiency and higher light levels – recommended for certain applications where the pedestrian area classification or some other factor suggests a modestly higher light level.
 - c. Most lighting - provides average light levels higher than existing lighting – in locations where community needs transcend energy and cost savings.

Application Notes:

- Most WRCOG communities should use types (a.) for most of their luminaires to maximize payback.
 - Kilolumen classification system takes lumen maintenance into account.
3. For intersection safety lighting, type IV luminaires may be considered in place of existing Type III or Type II.
 4. Note nominal LED kilolumen classifications in Table 7-2. To minimize the number of different luminaires to stock and maintain, this system is based on nominal lumen packages for up to six lumen package groups (Small, Medium Small, Medium, Medium High, High, and Very High).
 5. Select nominal LED luminaire kilolumens of matching photometric type from Table 7-3, column (a), (b), or (c).

EXCEPTION TO Section 7. (D.)

In Zone A and Lighting Zone 1 (LZ-1), for residential streets, street lighting shall be limited to (1) light at each residential street or residential street/residential minor collector intersection and (1) light mod block per DG-21. There shall be no requirements to meet illuminance, luminance or uniformity requirements. Lighting for walkways and sidewalks may be incidental because of the street lights. This exception may be applied to any residential street with the approval of community.

- E. Procedure for selecting appropriate LED luminaires where RP-8 or another similar standard is preferred or required.

1. Refer to LightSuite 2

1 Table 7-1. Maximum Allowed Color Temperature Per Lighting Zones

	Palomar Zone A and Lighting Zone LZ-1	Palomar Area B and C and Lighting Zones LZ-2 through LZ-4
Maximum Color Temperature		
Intersection Safety Lights	2700K	2700K or 3000K
Highways, Arterials and Major Collectors	2700K	2700K or 3000K
Minor Collectors and Streets	2700K	2700K
Residential Streets	2700K	2700K

2 Application Notes

- 3 a) 2700K has been tested and accepted by WRCOG for intersection safety lights and
4 highways, arterials and major collectors.
5 b) Per IES there no significant difference in any performance characteristic involving
6 safety or security between 2700K and 3000K.
7 c) 2700K causes less light pollution per lumen than does 3000K.

8 TABLE 7-2

9 SUGGESTED KILOLUMEN (KL) CLASS REPLACEMENT LUMINAIRE SYSTEM FOR
10 MINIMUM TYPES (SKU's) OF LED LUMINAIRES

Light Output LED Kilolumen (KL) Class	Application Group (a.)	Application Group (b.)	Application Group (c.)
Low (L)	Nominal 2 KL (~20 watt)	Nominal 2.5 KL (~25 watt)	Nominal 3 KL (~30 watt)
Medium low (ML)	Nominal 4.5 KL (~45 watt)	Nominal 6 KL (~60 watt)	Nominal 7.5 KL (~75 watt)
Medium (M)	Nominal 7.5 KL (~75 watt)	Nominal 10 KL (~100 watt)	Nominal 12.5 KL (~125 watt)
Medium High (MH)	Nominal 10 KL (~100 watt)	Nominal 12.5 KL (~125 watt)	Nominal 15 KL (~150 watt)
High (H)	Nominal 12.5 KL (~125 watt)	Nominal 15 KL (~150 watt)	Nominal 17.5KL (~175 watt)
Very High (VH)	Nominal 17.5 KL (~175 watt)	Nominal 20 KL (~200 watt)	Nominal 25 KL (~250 watt)

11 Application Notes

- 12 • Wattage values assume 100 luminaire lumens per watt. Efficacy of products will probably
13 increase over time, reducing the watts for each KL package and increasing the energy savings.

TABLE 7-3

**RECOMMENDED NOMINAL DIRECT CONVERSION LED LUMINAIRE WHEN
REPLACING EXISTING LEGACY LUMINAIRES**

Refer to application notes, below and Section 7. (D.)

Incumbent Legacy Luminaire ¹				LED KL Class ⁵ of Replacement Luminaire			Approx. Watts Saved Each		
Source	Lamp Watts	System Watts ²	Luminaire Lumens ³	(a.)	(b.)	(c.)	(a.)	(b.)	(c.)
Low Pressure Sodium (LPS)	35	63	3360	L	L	L	43	38	33
	55	84	5600	L	L	L	64	59	54
	90	131	9450	ML	ML	ML	86	71	56
	135	182	15750	M	M	M	107	82	57
	180	229	23100	L	L	L	129	104	79
High Pressure Sodium (HPS)	70	83	4060	L	L	L	63	58	53
	100	117	6650	ML	ML	ML	72	57	42
	150	193	11200	M	M	M	118	93	68
	200	246	15400	MH	MH	MH	146	121	96
	250	313	19250	H	H	H	188	163	138
	400	485	35000	VH	VH	VH	310	285	235
Metal Halide (MH)	70	90	3960	L	L	L	70	65	60
	100	129	6120	ML	ML	ML	84	69	54
	175	210	10800	M	M	M	135	110	85
	250	295	15800	MH	MH	MH	195	170	145
	400	458	27300	H	H	H	333	308	283
Mercury Vapor (MV)	100	120	2880	L	L	L	100	95	90
	175	205	6040	L	L	L	185	180	175
	250	285	9000	ML	ML	ML	240	225	210
	400	454	16500	MH	MH	MH	354	329	304

Footnotes

¹ Most street luminaires in Western Riverside County are either LPS or HPS.

² Lamp + Ballast watts

³ Initial lamp lumens x luminaire efficiency (approximate, varies with fixture type)

⁴ Nominal luminaire watts (Total of LED and driver)

⁵ See Table 7-3

Application Notes

- Column (a.) will produce the fastest payback and is recommended for community projects in which the purchase cost of light poles must be amortized.
- This conversion table is suggested for general purpose use in replacing legacy lighting systems with 2700K to 3000K LED's available in the winter of 2016-2017. To adjust for future improvement in luminous efficacy, be sure to provide approximately the same number of LED lumens. LED watts are typical for products available in spring, 2017.

- LED luminaire lumens are generally lower than legacy luminaires because of the ability of LED optical systems to achieve a greater percentage of utilization than legacy luminaires.
- Acceptable results will generally occur if care is taken to replace luminaire distribution types (e.g. Type III medium) with like.
- All values are nominal and represent average expected outcomes. Differences of less than 15-20% are probably not significant for this table.
- Use of this table does not ensure compliance with IES RP-8-14. In many cases, pole height, mast arm length and/or pole spacing may not permit compliance with RP-8-14 regardless of existing legacy source luminaires. If compliance with RP-8-14 is required, lighting calculations will be necessary and may result in different LED luminaire watts and lumens. Analysis using WRCOG standard AGI32 street models is recommended. See LightSuite 3 for recommended illuminating engineering standards.
- Lumen maintenance of the legacy light source as compared to LED lighting has been considered for each lamp type. Some legacy light sources have less lumen depreciation than others.

Section 8. PRODUCT SPECIFICATIONS

- A. Luminaires shall comply with the current WRCOG LightSuite 3, Specification of LED Products for Replacement of Cobrahead Street Lighting Luminaires.

Section 9.

SUBMITTALS FOR APPROVAL

- A. Plan(s) of the proposed lighting installation clearly identifying:

1. The criteria for each roadway segment, intersection, and other elements as required in Section 8. (C.), (D.), and (E.), above. Information affecting criteria selection, such as proximity to a school or transit stop shall be included. Calculations representing typical stretches of roadways or streets may be permitted for each condition of Lighting Zone, pedestrian area classification, posted speed or other differences.
2. The AASHTO pavement type(s), i.e. R1, R2, R3, or R4.
3. Point-by point lighting calculations on a grid not larger than 2.5' x 2.5' (.75m x .75m).
4. Calculation summaries showing average, minimum, and maximum values and ratios as contained in the tables of criteria in RP-8.
5. Calculations to include roadways, intersections, walkways, and all other parts of the project for which criteria were developed under Section 9. (A.) 1.

- 11 END OF SECTION

PROPOSED RIVERSIDE COUNTY ORDINANCE 655P REGULATING OUTDOOR LIGHTING

Section 1. INTENT

The purpose of this Ordinance is to provide regulations for outdoor lighting that will:

- a. Ensure adequate outdoor illumination can be provided.
- b. Help mitigate light pollution, reduce skyglow and improve the nighttime environment for astronomy and the Palomar Observatory and the overall enjoyment of the naturally dark night sky;
- c. Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
- d. Help protect human health and wellness and the natural environment from the adverse effects of man-made outdoor lighting.
- e. Conserve energy and resources to the greatest extent possible.

Section 2. CONFORMANCE WITH APPLICABLE LAWS, CODES, REGULATIONS and ORDINANCES.

All outdoor luminaires shall be installed in conformance with the provisions of this ordinance and the applicable provisions of the ordinances of the County of Riverside regulating the installation of such fixtures, the California Building Code Title 24 Part 2, the California Electrical Code Title 24 Part 3, the California Building Energy Efficiency Standards Title 24 Part 6, the California Sustainability Standards Title 24 Part 11 "CalGreen", and all other applicable requirements.

Section 3. SCOPE

The provisions of this code apply to the construction, alteration, movement, enlargement, replacement and installation of outdoor lighting throughout the unincorporated areas of Riverside County, including but not limited to:

- A. Lighting on private property, such structures, areas, features, security and advertising.
- B. Lighting for private roadways, walkways and bikeways.
- C. Lighting for public property such as structures, areas, features, security and advertising.

Exceptions to Section 3

1. Facilities, sites or roadways under the sole jurisdiction of the Federal or State Governments or within the jurisdiction of a sovereign nation.
2. Lighting specifically governed by a Federal or State regulation or statute.
3. Lighting subject to the terms of a special plan approved by the County.

Section 4.

APPROVED MATERIALS AND METHODS OF INSTALLATION.

This ordinance is not intended to prevent the use of any design, material or method of installation not specifically forbidden, provided any such alternate has been approved. The Planning Director may approve any such proposed alternate if it:

- A. Provides at least approximate equivalence to the applicable specific requirements of this ordinance; and
- B. Is otherwise satisfactory and complies with the intent of this ordinance.

Section 5. DEFINITIONS.

- A. **Luminaire** means a complete illuminating device, lighting fixture or other device that emits light, consisting of light source(s) together with the parts designed to distribute the light, to position and protect the light source(s), to regulate the electrical power, and to connect the light sources to the power supply.
- B. **Outdoor luminaire** means a luminaire, whether permanently installed or portable, that is installed outdoors, whether completely or partly exposed or under a canopy, and used for general or task illumination for any of the following applications:
 - 1. Lighting for and around buildings and structures.
 - 2. Lighting for parks and recreational facilities.
 - 3. Parking lots and garages.
 - 4. Landscape lighting.
 - 5. Outdoor advertising displays and other signs.
 - 6. General area lighting for commerce, industry or security.
 - 7. Street and roadway lighting.
 - 8. Walkway, bikeway and lighting.
- C. **Class I lighting** means all outdoor luminaires used for but not limited to outdoor sales or eating areas, assembly or repair area, outdoor advertising displays and other signs, recreational facilities and other similar applications when color rendition is important.
- D. **Class II lighting** means all outdoor lighting used for but not limited to illumination for walkways, private roadways and streets, equipment yards, parking lot and outdoor security when color rendering is not important.

- 1 E. **Class III lighting** means that lighting not meeting Class I or Class II purposes and used
2 primarily for decorative effects. Examples of Class III lighting include, but are not
3 limited to, the illumination of flag poles, trees, fountains, statuary, and building walls.
- 4 F. **Planning Director** means the Director of Planning of the County of Riverside or
5 representative(s) designated by the Planning Director.
- 6 G. **IES** means the Illuminating Engineering Society of North America.
- 7 H. **Zone A** means the circular area fifteen (15) miles in radius centered on Palomar
8 Observatory.
- 9 I. **Zone B** means the circular ring area defined by two circles, one forty-five (45) miles in
10 radius centered on Palomar Observatory, and the other the perimeter of Zone A.
- 11 J. **Zone C** means the remainder of the County outside of the perimeter of Zone B.
- 12 K. **Individual** means any private individual, tenant, lessee, owner or any commercial entity,
13 including, but not limited to, companies, partnerships, joint ventures or corporations.
- 14 L. **Installed** means any installation of outdoor luminaires after the effective date of this
15 ordinance. Projects with construction plans approved by the County prior to the effective
16 date of this ordinance are excluded from installation in compliance with this ordinance.
- 17 M. **BUG rating of an outdoor luminaire** means the ranking of the luminaire using a
18 photometric report to establish the Backlight (B), Uplight (U) and Glare (G) ranking
19 according to IES TM-15-11.
- 20 N. **Fully Shielded Luminaire** means an outdoor luminaire where no light is emitted at or
21 above an angle of 90 degrees above the nadir as evidenced by a photometric test report
22 from a NVLAP accredited testing laboratory in which the uplight value (U) is 0. Any
23 structural part of the luminaire providing shielding shall be permanently attached.
- 24 O. **Partly Shielded luminaire** means outdoor luminaires that have a U (uplight) rating
25 between 1 and 4.
- 26 P. **Unshielded luminaire** means outdoor luminaires that are not Fully Shielded or Partly
27 Shielded and have a U (uplight) rating of 5 or no rating at all.
- 28 Q. **Outdoor Advertising Display** means advertising structures and signs used for outdoor
29 advertising purposes, not including onsite advertising signs, as further defined and
30 permitted in Article XIX of Ordinance No. 348.
- 31 R. **Outdoor Recreational Facilities** means public or private facilities designed and
32 equipped for the conduct of sports, leisure time activities and other customary and usual
33 recreational activities. Outdoor recreational facilities include, but are not limited to, fields
34 for softball, baseball, football, soccer, and any other field sports, courts for tennis,
35 basketball, volleyball, handball and other court sports, for which the level of play
36 according to IES RP-6-15 Section 4.4 is Class III or Class IV.
- 37 S. **Outdoor Sports Facilities** include fields for softball, baseball, football, soccer, and other
38 field sports, courts for tennis, basketball, volleyball, handball and other court sports, and
39 outdoor stadiums in which the level of play, according to RP-6-15 Section 4.4 is Class I
40 or Class II.

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Section 7.

GENERAL REQUIREMENTS.

Light sources are restricted by lighting zone according to the following Tables:

TABLE 7-1 Class I Lighting (color rendering is important)

ALL LUMINAIRES SHALL BE FULLY SHIELDED			
Source	Zone A and LZ-1	Zone B and/or LZ-2	Zone C and/or LZ-3
LED >3000K	Not allowed	Not allowed	Not allowed
LED 3000K	Allowed	Allowed	Allowed
LED 2700K or less	Allowed	Allowed	Allowed
Incandescent or 2700K or lower LED replacement lamps	Allowed	Allowed	Allowed
LED amber, hybrid or filtered	Allowed ¹	Allowed ¹	Allowed ¹
Metal halide, fluorescent, compact fluorescent, induction	Not allowed	Allowed if 3000K or less	Allowed if 3000K or less
High pressure sodium	Allowed ¹	Allowed ¹	Allowed ¹
Low pressure sodium	Allowed ²	Allowed ²	Allowed ²
Neon or cold cathode	Not allowed	Not allowed	Not allowed
Other light sources ³	Not allowed	Not allowed	Not allowed

Notes

¹ Not recommended due to poor color rendering

² Not recommended – source is obsolete and has no color rendering

³ For light sources not listed, applicants may appeal as provided under Section 3.

TABLE 7-2 Class II Lighting (color rendering is not important)

ALL LUMINAIRES SHALL BE FULLY SHIELDED			
Source	Zone A and LZ-1	Zone B and LZ-2	Zone C and LZ-3 or 4
LED >3000K	Not allowed	Not allowed	Not allowed
LED 3000K	Not allowed	Allowed	Allowed
LED 2700K or less	Allowed	Allowed	Allowed
Incandescent or 2700K or lower LED replacement lamps	Allowed	Allowed	Allowed
LED amber, hybrid or filtered	Allowed	Allowed	Allowed
Metal halide, fluorescent, compact fluorescent, induction	Not allowed	Not allowed	Not allowed
High pressure sodium	Allowed	Allowed	Allowed
Low pressure sodium	Allowed ¹	Allowed ¹	Allowed ¹
Neon or cold cathode	Not allowed	Not allowed	Not allowed
Other light sources ²	Not allowed	Not allowed	Not allowed

Notes

¹ Not recommended – source is obsolete and has no color rendering

² For light sources not listed, applicants may appeal as provided under Section 3.

1 **TABLE 7-3 Class III Lighting (decorative lighting)**

LUMINAIRES SHALL BE FULLY SHIELDED EXCEPT AS NOTED			
Source	Zone A and LZ-1	Zone B and LZ-2	Zone C and LZ-3 or 4
LED >3000K	Not allowed	Not allowed	Not allowed
LED 3000K	Not allowed	Allowed	Allowed
LED 2700K or less	Allowed	Allowed	Allowed
LED amber, hybrid or filtered	May be partly shielded or unshielded up to 450 lumens	May be partly shielded or unshielded up to 600 lumens	May be partly shielded or unshielded up to 1000 lumens
Incandescent or 2700K or lower LED replacement lamps			
Metal halide, fluorescent, compact fluorescent, induction	Not allowed	Not allowed	Not allowed
High pressure sodium	Allowed	Allowed	Allowed
Low pressure sodium ¹	Allowed ¹	Allowed ¹	Allowed ¹
Neon or cold cathode	Not allowed	Not allowed	Not allowed
Other light sources ²	Not allowed	Not allowed	Not allowed

2 Notes

3 ¹ Not recommended – source is obsolete and has no color rendering

4 ² For light sources not listed, applicants may appeal as provided under Section 3.

5 Section 8.

6 SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE.

7 The application for any required County approval for work involving nonexempt outdoor
8 luminaires shall include evidence that the proposed work will comply with this ordinance. The
9 submission shall contain, but not be limited to, the following:

- 10 A. The location of the site where the outdoor luminaires will be installed;
- 11 B. Plans indicating the location and type of fixtures on the premises;
- 12 C. A description of the outdoor luminaires, including, but not limited to, manufacturer's
- 13 catalog cuts and drawings.
- 14 D. Photometric reports from a NVLAP accredited laboratory indicating luminaire light
- 15 source type, color temperature, and BUG rating.

16 The above required plans and descriptions shall be sufficiently complete to enable the County to
17 readily determine whether compliance with the requirements of this ordinance will be secured. If
18 such plans and descriptions cannot enable this ready determination, by reason of the nature or
19 configuration of the devices, fixtures or lamps proposed, the applicant shall submit further
20 evidence of compliance enabling such determination.

Section 9.
PROHIBITIONS.

- A. All lighting shall be off between 11:00 p.m. and one hour before sunrise, except as follows:
1. Motion sensors may be used for Class I lighting after 11:00 p.m.
 2. Class II lighting may remain on all night but shall employ motion sensors to turn lights off or dim lights when there is no motion after 11:00 p.m.
 3. On-premise advertising signs shall only be illuminated while the business facility is open to the public
 4. Outdoor advertising displays may remain lighted until midnight.
 5. Outside sales, commercial, assembly, repair, and industrial areas shall only be lighted when such areas are actually in use.
 6. Outdoor recreational facilities may remain lighted to complete recreational activities that are in progress and under illumination in conformance with this ordinance at 11:00 p.m.
- B. Operation of searchlights or aerial lasers for advertising purposes is prohibited.
- C. All external sign and billboard lighting shall be top-down. Bottom mounted signs are prohibited. Signs shall comply with the sign code.
- D. Use of mercury vapor lamps is prohibited.

Section 10.
PERMANENT EXCEPTIONS.

- A. Nonconformance. All outdoor luminaires existing and legally installed prior to the effective date of this ordinance are exempt from the requirements of this ordinance except that:
1. When existing luminaries are reconstructed or replaced, such reconstruction or replacement shall be in compliance with this ordinance.
 2. Sections 9 b, c, d and e regarding hours of operation shall apply.

- 1 B. Fossil Fuel Light. All outdoor luminaires producing light directly by combustion of fossil
2 fuels (such as kerosene lanterns, and gas lamps) are exempt from the requirements of this
3 ordinance.
- 4 C. Holiday Decorations. Lights used for holiday decorations are exempt from the
5 requirements of this ordinance.
- 6 D. Outdoor Sports Facilities may employ either:
- 7 a. Up to 6000K LED lighting systems provided (1) the lighting system employs
8 shielding to completely prevent uplight; (2) the lighting is controlled by motion
9 sensors or from a control booth; and (3) the lighting is dimmable and designed to
10 use the least amount of light necessary for the activity; and (4) the lighting system
11 has a fixed curfew of 11:00PM that can be overridden from the control booth.
- 12 b. Up to 5700K Metal halide lighting systems provided (1) the lighting system
13 employs shielding to completely prevent uplight; (2) the lighting is controlled
14 from a control booth and does not automatically turn on; (3) the lighting system
15 has a fixed curfew of 11:00PM that can be overridden from the control booth.

16 **Section 11.**
17 **TEMPORARY EXEMPTIONS.**

- 18 A. Information Required. Any individual may submit a written request to the Planning
19 Director for a temporary exemption from the requirements of this ordinance. The filing
20 fee for the temporary exemption shall be \$50.00. The Request for Temporary Exemption
21 shall contain the following information:
- 22 1. Name, address and telephone number of the applicant;
- 23 2. Location of the outdoor luminaires for which the exemption is requested;
- 24 3. Specific exemption(s) requested;
- 25 4. Use of the outdoor luminaires involved;
- 26 5. Duration of the requested exemption(s);
- 27 6. Type of outdoor light fixture to be used, including the light source and color
28 temperature, total lumen output, character of the shielding, if any;
- 29 7. Previous temporary exemptions, if any;
- 30 8. Such other data and information as may be required by the Planning Director. The
31 Planning Director shall have ten (10) business days from the date of receipt of the

Request for Temporary Exemption to approve or disapprove the request. The applicant will be notified of the decision in writing.

B. Duration of Approval. The exemption shall be valid for not more than thirty (30) consecutive days from the date of issuance of approval. Exemptions are renewable for a period of not more than fifteen (15) consecutive days. Requests for renewal of a temporary exemption shall be processed in the same manner as the original request. No outdoor luminaires shall be exempted from this ordinance for more than forty-five days during any twelve (12) month period.

Exception to Section 11 (B.): An exemption for portable lighting for construction shall be valid for one year and may be renewable on an annual basis.

C. Appeals. An applicant or any interested person may file an appeal from the decision of the Planning Director within 10 days of the date of mailing of the notice of decision to the applicant. The appellant may appeal that decision, in writing, to the Board of Supervisors, on forms provided by the Planning Department, which shall be accompanied by a filing fee of \$25.00. Upon receipt of a completed appeal, the Clerk of the Board shall set the matter for hearing before the Board of Supervisors not less than five days nor more than 30 days thereafter and shall give written notice of the hearing to the appellant and the Planning Director. The Board of Supervisors shall render its decision within 30 days following the close of the hearing on the appeal.

Section 12.

EMERGENCY EXEMPTIONS.

This ordinance shall not apply to portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.

Section 13.

CONFLICTS.

Where any provision of the statutes, codes or laws of the United States of America or the State of California conflicts with any provision of this ordinance, the most restrictive shall apply unless otherwise required by law.

Section 14.

VIOLATIONS AND PENALTIES.

It shall be unlawful for any individual to operate, erect, construct, enlarge, alter, replace, move, improve, or convert any lighting structure, or cause the same to be done, contrary to or in violation of any provision of this ordinance.

Any individual violating any provision of this ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued, or permitted.

Any individual convicted of a violation of this ordinance shall be (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100) for a first violation: (2) guilty of an infraction offense and punished by a fine not exceeding two hundred fifty dollars (\$250) for a second violation on the same site and perpetrated by the same individual. The third and any additional violations on the same site and perpetrated by the same individual shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000) or six months in jail, or both. Payment of any penalty herein shall not relieve an individual from the responsibility for correcting the violation.

Section 15.

VIOLATIONS CONSTITUTE PUBLIC NUISANCE.

Any lighting structure erected, constructed, enlarged, altered, replaced, moved, improved, or converted contrary to the provisions of this ordinance shall be, and the same is hereby declared to be, unlawful and a public nuisance and subject to abatement in the manner provided by law. Any failure, refusal or neglect to obtain a permit as required by this ordinance shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, replacement, improvement, or conversion of a lighting structure erected, constructed, enlarged, altered, repaired, moved, improved, or converted contrary to the provisions of this ordinance.

Section 16.

SEVERABILITY.

If any provision of this ordinance or the application thereof to any individual or circumstance is invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Section 17.

EFFECTIVE DATE.

This ordinance shall take effect and be in force thirty (30) days after the date of its adoption.

PROPOSED MODERNIZATION OF RIVERSIDE COUNTY ORDINANCE NO. 915P REGULATING OUTDOOR LIGHTING

Proposed changes are underlined and in bold.

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

Section 1. FINDINGS

The Board of Supervisors finds that inadequately shielded outdoor lighting results in a waste of natural resources and **causes** light trespass. The Board of Supervisors further finds that ~~at certain levels,~~ light trespass, and associated glare, may jeopardize the health, safety or general welfare of Riverside County residents and degrade their quality of life. **The Board of Supervisors also finds that these concerns are sufficiently different from the negative impacts of light pollution that are currently regulated by Ordinance 655 to warrant this specific Ordinance.**

Section 2. PURPOSE

The purpose of this Ordinance is to provide minimum requirements for outdoor lighting in order to reduce light trespass, and to protect the health, property, and well-being of residents in the unincorporated areas of the County.

Section 3. AUTHORITY

This Ordinance is adopted pursuant to the Board of Supervisors' police power as set forth under Article XI, section 7 of the California Constitution.

Section 4. DEFINITIONS

As used in this Ordinance, the following terms shall have the following meanings:

a. Adequately shielded. ~~Shielding of an outdoor luminaire by opaque components or materials, such that light rays are limited to the parcel of origin and the light source is not visible from another property or public right-of-way.~~ A luminaire using a combination of internal or attached shielding and/or aiming to control light radiation onto the property on which it is located.

b. Glare. Light emitting from an outdoor luminaire that causes ~~reduced vision or momentary blindness.~~ visual disability or discomfort.

c. Light source (lamp). An electrical bulb, tube, diode, or other device that produces artificial light or illumination.

d. ~~Light trespass.~~ **Trespassing Light.** Light falling across a property line onto another lot or parcel of land or onto a public right-of-way. The presence of ~~light trespass~~ **trespassing light** shall be determined in accordance with Section 7 of this Ordinance.

e. Luminaire. A complete lighting unit consisting of one or more lamps, **LED arrays or other light sources**, ~~the lamp~~ **light source mounting** or holder, any reflector or lens, and any other components or accessories.

f. Outdoor Luminaire. ~~Outdoor luminaires, A luminaire, whether permanent or portable, including general light fixtures, searchlights, spotlights, and floodlights; and the light cast by such fixtures installed outdoors.~~

Section 5. STANDARD

- a. All outdoor luminaires ~~in~~ shall be located, adequately shielded, and directed such that no direct light falls outside the parcel of origin, or onto the public right-of-way, **except as allowed in Section 7.** Outdoor luminaires shall not blink, flash, or rotate.

EXCEPTION TO Section 5.(a.). Less than fully shielded decorative luminaires permitted by Ordinance 655 Table 7-3.

- b. **All outdoor luminaires shall be rated 3000K or less correlated color temperature (CCT).**

EXCEPTION TO Section 5(b.) New luminaires shall comply with Ordinance 655.

- c. **All outdoor luminaires shall be turned off or dimmed at least 50% after a curfew time, defined as the later of either (1) 10:00PM or (2) 1 hour after the close of business. Luminaires may be controlled by motion sensors after curfew.**

Section 6. EXEMPTIONS

The following outdoor luminaires shall be exempt from the provisions of this Ordinance when properly installed and in compliance with all County ordinances:

- a. Luminaires used or otherwise required by law enforcement or other emergency personnel.
- b. Luminaires used to illuminate publicly-owned property, including but not limited to, parks, recreation areas, schools, streets, street signs and sidewalks.
- c. Luminaires used to illuminate authorized public and private monuments.
- d. Luminaires authorized by a provision of state or federal law as long as that lighting conforms to the requirements of the state or federal law.
- e. Luminaires used for holiday decoration.
- f. Luminaires producing light directly by the combustion of fossil fuels (such as kerosene lanterns, and gas lamps).
- g. Neon luminaires.
- h. Luminaires used to illuminate agricultural activities, operations or facilities as defined in Section 5 of Riverside County Ordinance No. 625.
- i. Luminaires used to illuminate for parking areas and other outdoor spaces directly serving a facility operating 24 hours are not required to be turned down or off as required under Section 5 (c.).**
- j. Luminaires used to illuminate sports courts and fields, provided that they are equipped with controls to prevent operation after 10PM Sunday through Thursday and 11PM Friday and Saturday.**

Section 7. DETERMINATION OF LIGHT TRESPASS

A determination of light trespass shall be made by ~~observation of the allegedly non-conforming luminaire(s)~~ **measurement of the allegedly trespassing light onto** ~~from the complaining party's~~ property. A "complaining party" may be either an owner or occupant of private property or a public entity. **Trespassing light occurs when the amount of light measured at the property line in any plane caused by one or more luminaires exceeds the following limits:**

<u>Maximum Light Limit</u>	<u>Pre-curfew</u>	<u>Post-curfew</u>
<u>Onto any residential property, in-patient health care facility, dormitory, hotel or motel</u>	<u>3 lux (0.3 foot-candle)</u>	<u>1 lux (0.1 foot-candle)</u>
<u>Onto any non-residential property or public right of way</u>	<u>8 lux (0.8 foot-candle)</u>	<u>3 lux (0.3 foot-candle)</u>

Section 8. SECURITY LIGHTING

Security lighting **solely** triggered by motion or noise shall be allowed subject to all of the provisions of this Ordinance except Section 5 (c.).

Section 9. NON-CONFORMING OUTDOOR LUMINAIRES

Outdoor luminaires existing on the effective date of this Ordinance that do not meet the requirements as set forth herein shall be brought into compliance or removed as follows:

- a. Within three (3) months of the effective date of this Ordinance, where redirection of the light fixture is feasible and will bring the light fixture into compliance; or
- b. Within six (6) months of the effective date of this Ordinance, in all other cases.

Section 10. COMPLIANCE METHODS

Outdoor luminaires not meeting the standards of Section 5 be brought into compliance in any of the following ways:

- a. Redirection of the luminaire;
- b. Shielding of the light source;
- c. Redesign or relocation of the luminaire;
- d. Replacement of the luminaire with a conforming luminaire; or
- e. Removal of the luminaire.

Section 11. ENFORCEMENT

The Riverside County Sheriff and Code Enforcement Departments shall have the primary responsibility for enforcing this Ordinance.

Section 12. VIOLATIONS AND PENALTIES

Any person who violates any provision of this Ordinance once or twice within a one hundred and eighty (180) day period shall be guilty of an infraction. Any person who violates any provision of this Ordinance more than twice within a one hundred and eighty (180) day period shall be guilty of a misdemeanor. Each day a violation is committed or allowed to continue shall constitute a separate offense and shall be punishable as such. Penalties shall not exceed the following amounts.

a. For the first violation within a one hundred and eighty (180) day period the minimum mandatory fine shall be one hundred dollars (\$100).

b. For the second violation within a one hundred and eighty (180) day period the minimum mandatory fine shall be two hundred and fifty dollars (\$250).

c. For any further violations within a one hundred and eighty (180) day period the minimum mandatory fine shall be five hundred dollars (\$500) or imprisonment in the County jail for a period not exceeding six (6) months, or both.

Section 13. CONFLICT BETWEEN ORDINANCE REQUIREMENTS

This Ordinance shall neither replace the requirements of the zoning Ordinance or any other County ordinances, including but not limited to County Ordinance No. 655, nor supersede the terms of any private Covenants, Conditions and Restrictions (CC&Rs). However, when there is a conflict in the requirements of this and any other ordinance, the more stringent requirements shall apply. The County of Riverside does not enforce private CC&Rs.

Section 14. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect the remainder of the Ordinance or the application of such provision(s) to other persons or circumstances.

Section 15. SAVINGS CLAUSE

The adoption of this Ordinance shall not in any manner affect the prosecution of ordinance violations, which violations were committed prior to the effective date of this Ordinance, nor be construed as a waiver of any permit, license, penalty or penal provisions applicable to such violations. The provisions of this Ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by Riverside County relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

Section 16. EFFECTIVE DATE

This Ordinance shall take effect 30 days after its adoption.

Suggested Community Outdoor Lighting Ordinance

Section 1. Purpose.

The purpose of this ordinance is to implement the goals of the General Plan and protect and promote public health, safety, welfare, and quality of life by establishing regulations and a process for review of outdoor lighting that will accomplish the following:

A. Protect against light pollution in all its forms, thereby reclaiming the ability to view the night sky and thereby help preserve the quality of life and scenic value of this desirable visual resource;

B. Help protect and enhance human health and wellness and wildlife habitation and migration by minimizing light pollution and its impact on all forms of life, consistent with the June 2016 position on outdoor lighting by the American Medical Association.

C. Promote lighting practices and systems to conserve energy, decrease dependence on fossil fuels and limit greenhouse gas emissions consistent with the California Global Warming Solutions Act and other applicable state and federal law.

D. Ensure that sufficient lighting can be provided where needed to promote safety and security on public and private property, and to allow for reasonable lighting for commercial properties and activities,

E. Provide easily understood regulations for residential lighting that help minimize obtrusive light and mitigate neighbor-to-neighbor lighting issues;

F. *Provide practical regulations for non-residential lighting that are consistent with the California Code of Regulations, Title 24, Parts 1, 2, 6 and 11.*

G. Allow reasonable flexibility in the style of lighting fixtures and the technology used to generate and control light; and,

H. Permit appropriate lighting employing historic and current technology, evolving advancements, energy use and economic needs.

Section 2. Applicability

A. Except as described below, all outdoor lighting installed or modified after the date of effect of this Ordinance shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, additions and alterations, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.

Exception to Section 2. (A.): Any lighting-specific requirements in the following shall take precedence over this ordinance.

- a. Specific use permit.
- b. Federal, state, or county laws or regulations.

Exemptions from Section 2. (A.) The following are not regulated by this Ordinance:

1. Indoor lighting.
2. Lighting within public right-of-way or easement for the principal purpose of illuminating streets, roads, sidewalks, walkways, bikeways, bridges, tunnels and other public means of conveyance and travel.
3. Lighting permitted prior to the effective date of this Ordinance
4. Lighting solely for signs (lighting for signs is regulated by the Sign Ordinance).
5. Repairs to existing luminaires, but not including new replacement luminaires or modifications to existing luminaires.
6. Temporary lighting for one-time events.
7. Underwater lighting in swimming pools and other water features.
8. Temporary lighting and seasonal lighting, except that temporary lighting and seasonal lighting are not permitted in or within 100 feet (30.5 meters) of Public Open Space.
9. Short-term lighting associated with activities authorized by a valid temporary use permit, special event permit or film permit.
10. Construction or emergency lighting provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.

B. Applications for land use entitlements after the effective date of this ordinance shall include compliance with this chapter as a condition of approval.

Section 3. General Requirements for all Outdoor Lighting.

A. Compliance with State Code All lighting and controls shall comply with the California Title 24 California Code of Regulations, Title 24, Parts 1, 2, 6 and 11.

B. Shielding All luminaires shall be fully shielded and shall not emit light into the upper hemisphere around the luminaire once installed. Support and mounting systems for luminaires shall not allow post-installation adjustments that could defeat compliance of this requirement.

Exceptions to Section 3. (A.)

- a. Decorative lighting as permitted herein.
- b. Landscape lighting as permitted herein.
- c. Architectural floodlighting and outlining as permitted herein.

C. Turned off or reduced after curfew Automated control systems, such as motion sensors, astronomic timer switches and lighting control systems, shall be used to meet the curfew requirements of 17.41.050 and the technical and energy efficiency requirements of California Code of Regulations Title 20 Section 1605.1(I) and Title 24 Part 6 Sections 130.2, 140.7 and 150.1. Manual initiation switches are permitted as long as they do not defeat the automatic shut off function.

Exceptions to Section 3. (B.)

- a. Egress lighting as required by Title 24 Part 2 Section 1006.
- b. Lighting for facilities having 24 hour operations or business.
- c. Lighting required for accessibility.
- d. Lighting required by statute, law or ordinance to operate all night.
- e. One luminaire per residence that illuminates the address or apartment number.
- f. Lighting by special permit.

D. Lighting Color (Chromaticity). The correlated color temperature of all outdoor lighting shall be 3000 Kelvin or less, with tolerance within the ANSI standard C78.377 of LED sources.

Exceptions to 17.41.040 (C.)

- a. Amber sources necessary to protect beach and environmentally sensitive habitat areas, as determined by the planning director.
- b. Legally required monochromatic light sources including but not limited to, aviation obstruction lighting, traffic signal lighting, and marine lighting
- c. As allowed by a special use permit.

E. Prevention of Light Trespass All lighting shall be designed and implemented to mitigate light trespass onto adjacent properties. The maximum allowable light trespass shall be per Table 1 and Table 2.

F. Lighting Not Permitted None of the following are permitted except by special permit:

- 1. Dynamic lighting, such as moving lights, color changing lighting,
- 2. Luminaires exceeding 500,000 peak candelas or 500,000 lumens
- 3. Laser lighting
- 4. Unshielded lighting such as string lights, light rope, neon lighting, or LED tubing.
- 5. Lighting within Public Open Space areas.

Section 4. Lighting Zones

A. Lighting Zones The Planning Director shall develop and maintain a lighting zone map of the community identifying the following zones as defined and required by the California Code of Regulations, Title 24, Part 1, Section 10-114 as follows:

Lighting Zone 0 (Zero), which shall include Environmentally Sensitive Habitat Area (ESHA), Public Open Space (POS) Area, and other areas within the community that are undeveloped or intended to be preserved in a natural state and for which lighting is only provided for safety or to meet applicable Federal, State or community requirements.

Lighting Zone 1 (One), which shall include all areas of the community that are adjacent to Lighting Zone 0, rural in character, and/or which are determined by the Planning Director to be suitable for low levels of exterior lighting at night.

Lighting Zone 2 (Two), which shall include all areas of the community that are semi-urban or urban in character, and/or which are determined by the Planning Director to be suitable needs for modest levels of exterior lighting at night.

Lighting Zone 3 (Three), which shall include all areas of the City that are urban in character or have high night light level requirements for specific property uses which are determined by the Planning Director to be suitable needs for medium to high levels of exterior lighting at night.

Lighting Zone 4 (Four) shall not be used in the community except by special permit.

B. Posting of Zoning Map The Lighting Zone Map shall be posted on the Web Site of the City and made available to the public.

C. Administration of Lighting Zones The Planning Director shall develop a process to review proposed changes and appeals to the Lighting Zone map, which shall be approved by City Council. Approved changes and appeals shall be updated onto the Lighting Zone Map. The Planning Director shall notify the California Energy Commission according to California Code of Regulations, Title 24, Part 1, Section 10-144(d).

Section 5. Lighting Zone Specific Lighting Requirements

A. Applicability In addition to the foregoing, all outdoor lighting must meet the following requirements per Lighting Zone and whether the property being lighted is residential or non-residential. Residential properties shall comply with Table 1 and non-residential properties shall comply with Table 2 as described below. For the purposes of these requirements, multi-family residential properties of 8 domiciles or more shall be considered non-residential.

B. Curfew

1. Residential lighting All exterior lighting shall be extinguished at the curfew time by an automatic shut off device. Motion sensor controlled lighting may used after curfew if it is fully shielded and located within 10 feet of a building entrance.

2. Non-residential lighting All exterior lighting shall be extinguished or dimmed 50% at the curfew time under the control of an automatic device. Motion sensor controlled lighting may be used to turn on or increase the light level for fully shielded lighting at building entrances, exits, parking lots and walkways.

C. Maximum Lumens For a dedicated fluorescent, LED or HID luminaire, the allowed maximum rated lumens per a photometric report or manufacturer's product literature. For a line voltage socket luminaire or a low voltage socket luminaire, the rated lumens of the lamp installed in it.

D. Maximum Mounting Height The maximum mounting height above adjacent grade. See Figure 2.

Exception 1 to 17.41.060 (D): There is no maximum mounting height for fully recessed luminaires.

Exception 1 to 17.41.060 (D): For multi-story residential buildings and motels with exterior entrance doors, the maximum mounting height shall be 8 feet above adjacent floor unless recessed into an adjacent ceiling, soffit or overhang.

E. Landscape lighting Landscape lighting is permitted per Table 1 and Table 2. Downlight only means that the luminaire emits no light above 90 degrees relative to nadir (no light upwards). Shielded uplight means a luminaire aimed upward within 30 degrees of straight up that employs a baffle or louver to prevent glare. See Figure 3.

F. Architectural Floodlighting and Outlining The use of lighting to illuminate building facades, statuary, and similar edifices for appearance or other needs not involving visual

tasks such as walking or driving may be permitted in lighting zones 2 and 3 if all the following conditions are met:

1. A plan and rendering is submitted for review and approval by the Planning Director.
2. The amount of exposed light sources does not exceed 20,000 lumens per acre of the site.
3. The average illumination of a façade or edifice shall not exceed 5 footcandles (50 lux).
4. Such lighting shall be extinguished at curfew.

No such lighting may be used without a permit, and shall not be allowed in lighting zones 0 and 1 under any conditions.

Section 6. Plan Review and Permitting

A. Plan Review All outdoor lighting installations or installations involving new lighting or the modification, alteration, or replacement of outdoor lighting shall submit plans and related information as listed below and receive a permit prior to proceeding with any work.

1. Plans depicting the proposed luminaires.
2. Product specification data such as manufacturer's data sheets for each luminaire and control device(s) or systems being used.
3. For non-residential properties, signed pages of required documents for Title 24 – Part 6 Section 140.7 and Title 24 – Part 11 Section 5.106.8 demonstrating compliance.
4. Details, elevations, summaries or calculations as required to demonstrate compliance with this Ordinance.

B. Alternative Means and Methods Deviations from the lighting standards provided in this chapter may be approved pursuant to a site plan review in accordance with Section 17.62.040. The request shall state the circumstances and conditions relied upon for the site plan review and shall be accompanied by accurate plans and a legal description of the subject property. In addition, the following information shall be submitted:

1. Plans depicting the proposed light fixtures;

2. Detailed description of the circumstances which necessitate the deviation;
3. Details on the use of the proposed light fixtures for which the deviation is requested, including the type of outdoor light fixture(s) to be used, the total light output and character of the shielding, if any; and
4. Such other data and information as may be required by the planning director.

C. Appeals The site plan review may be granted if the community makes the following findings:

1. There are special circumstances or conditions applying to the land, buildings or outdoor light fixtures for which the site plan review is sought, which are peculiar to the project and do not apply generally to the land, buildings, or outdoor light fixtures in the surrounding area.
2. The strict application of this chapter would deprive the applicant of the reasonable use of the land or buildings, and the proposed deviation is the most restrictive means that will accomplish the purpose.
3. The proposed deviation will achieve the purpose and intent of this chapter, including light trespass, and will not adversely affect neighborhood character or the public health, safety or welfare.
4. The proposed project will not be contrary to or in conflict with the general purposes and intent of this title, nor the goals, objectives and policies of the general plan.

Section 7. Lighting Allowed by Temporary Use Permit Only. (RESERVED)

Section 8. Conflicts with other Laws.

In the event the provisions in this Ordinance conflict with other laws, this Ordinance shall be applied in a manner intended to carry out all provisions of law to the maximum extent feasible. When there is an irreconcilable conflict between the provisions of this Ordinance and the provisions of federal or state law, the provisions of federal or state law shall prevail over the provisions contained in this Ordinance only to the extent necessary to avoid a violation of those other laws or code provisions.

Section 9. Application of Ordinance to Legal Non-Conforming Lighting.

A. Amortization. A property owner shall comply with the requirements of this Ordinance by (date.) Any non-compliant lighting still in place after this compliance deadline shall become and remain extinguished. A property owner may apply for an extension of this deadline by submitting a request to the planning director thirty days before the compliance deadline detailing why an extension is needed. Any non-compliant lighting shall remain extinguished while the request is pending. Upon demonstration of good cause for providing a property owner additional time to comply with the requirements of this section, the planning director may extend the property owner's time to comply and/or may require a plan for compliance that required partial compliance in advance of full compliance. For purposes of this section, the term "good cause" shall mean a significant financial or other hardship which warrants an extension or conditional extension of the time limit for compliance established herein. In no instance, shall the planning director issue an extension of the compliance period in excess of one year's time. The planning director's decision shall be appealable.

B. Change of Use. If a property with non-compliant lighting changes use, then all outdoor lighting shall be brought into compliance with this chapter before the new use begins. Any uncorrected non-compliant lighting shall be removed or remain extinguished.

C. Resumption of Use after Abandonment. If a property with non-compliant lighting is abandoned for a period of six months or more, then all outdoor lighting shall be brought into compliance with this chapter before any resumption of use of the property occurs. Any uncorrected non-compliant lighting shall be removed or remain extinguished.

Section 10. Enforcement and Penalties. (RESERVED)

Section 11. Definitions.

For the purposes of this Chapter only, the following words and phrases are defined as follows:

"Curfew" means the time of day when lighting restrictions, based on zoning district, are in effect.

"Directional lighting" means methods of directing light downward, rather than upward or outward, with the intention of directing light where it is needed.

"Fully shielded" means a light fixture constructed and installed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the fixture's lowest light-emitting part.

1 “Glare” means lighting entering the eye directly from a light fixture or indirectly from reflective
2 surfaces that causes visual discomfort or reduced visibility.

3 “Hardscape” means permanent surface improvements to the site including parking lots,
4 driveways, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated
5 landscaping that is 10 feet or less in width, that are made of materials such as, but not limited to,
6 concrete, asphalt, stone and gravel.

7 “Lamp” means, in generic terms, a source of optical radiation (i.e., “light”), often called a
8 “bulb” or “tube”. Examples include incandescent, fluorescent, high-intensity discharge (HID)
9 lamps, and low pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and
10 arrays.

11 “Light pollution” means the material adverse effect of artificial light including, but not limited
12 to, glare, light trespass, sky glow, energy waste, compromised safety and security, and impacts
13 on the nocturnal environment, including light sources that are left on when they no longer serve a
14 useful function.

15 “Light trespass” means light that falls beyond the property it is located on. Permissible levels of
16 light trespass shall be limited to those specific, quantitative thresholds of light intensity set forth
17 in Tables 1 and 2. Light trespass shall be measured in the vertical plane of the property line on
18 which the lighting in question is located. Field measurements to determine light trespass
19 compliance shall not include the effect of light produced by street lights or other lighting not
20 produced by luminaires under the jurisdiction of this Ordinance or produced by luminaires on
21 other properties.

22 “Lumen” means the unit of measure used to quantify the amount of visible light produced by a
23 lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption).

24 “Luminaire” means outdoor electrically powered illuminating devices, including a light source,
25 outdoor reflective or refractive surfaces, lenses, electrical connectors and components, and all
26 parts used to mount the assembly, distribute the light and/or protect the lamp, whether
27 permanently installed or portable.

28 “Seasonal lighting” means lighting installed and operated in connection with holidays or
29 traditions. Seasonal lighting must be temporary lighting as defined herein and removed within 30
30 days of the date of installation, and shall not be re-installed within the same calendar year.

31 “Sky glow” means the brightening of the nighttime sky that results from scattering and
32 reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused
33 by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

“Temporary lighting” means lighting that (a) employs a cord and plug and is not permanently wired and (b) is installed and removed when the temporary need is over, not to exceed 30 days without a special use permit.

“Shielded Uplighting” means landscape lighting illuminating trees and landscape features employing an extended tube baffle or louver and aimed at least 60 degrees above horizontal.

“Outlining” means exposed light sources attached to structures for the primary purpose of attraction, branding or decoration.

“Dynamic lighting” means lighting that flashes, chases, changes color, or changes intensity for any purpose other than serving as a traffic signal, safety light, or aviation or marine marker.

“Light trespass” means light from one property also lighting an adjacent property. The amount of trespass is calculated and measured in the vertical plane at 5’ above grade at the property line of the site on which the light(s) is located. If the adjacent property is a public street or sidewalk, then the point at which trespassing light is calculated and measured shall be the center of the public property or right-of-way between the property on which the light originates and any adjacent property.

Section 12 Tables

Continued on Next Page

1

Table 1 – Residential Lighting Limits

Restriction	Lighting Zone 0 (Zero)	Lighting Zone 1 (One)	Lighting Zone 2 (Two)	Lighting Zone 3 (Three)
Curfew	1 hour after sunset	11:00PM	11:00PM	11:00PM
Maximum lumens per fully shielded luminaire	600 Must be 2700K or lower	900	900	900
Unshielded and decorative lighting	None allowed	One per residence not to exceed 300 lumens	Two per residence not to exceed 300 lumens	Three per residence not to exceed 600 lumens
Maximum mounting height above adjacent grade	8 feet	12 feet	12 feet	15 feet
Landscape lighting	None allowed	Downlight only not to exceed 300 lumens	Downlight and/or shielded uplight not to exceed 450 lumens per luminaire	Downlight and/or shielded uplight not to exceed 600 lumens per luminaire
Maximum landscape lighting lumens per acre	0	6000	12000	18000
Maximum allowable light trespass pre-curfew	0	0.1 footcandle (1 lux)	0.2 footcandle (2 lux)	0.5 footcandle (5 lux)

2

1 **Table 2 – Non Residential and Multi-family Residential Lighting Limits**

Restriction	Lighting Zone 0 (Zero)	Lighting Zone 1 (One)	Lighting Zone 2 (Two)	Lighting Zone 3 (Three)
Curfew	1 hour after sunset	11:00PM	11:00PM	11:00PM
Maximum lumens per fully shielded luminaire	600	2500	5000	15000
Unshielded and decorative lighting	None allowed	None allowed	Maximum 600 lumens per luminaire not to exceed 12000 lumens per acre.	Maximum 900 lumens per luminaire not to exceed 18000 lumens per acre
Maximum mounting height above adjacent grade	8 feet	20 feet	25 feet	35 feet
Landscape lighting	None allowed	Downlight only not to exceed 450 lumens	Downlight and/or shielded uplight not to exceed 600 lumens per luminaire	Downlight and/or shielded uplight not to exceed 900 lumens per luminaire
Maximum landscape lighting lumens per acre	0	9000	12000	18000
Maximum allowable light trespass pre-curfew	0	0.1 footcandle (1 lux)	0.2 footcandle (2 lux)	0.5 footcandle (5 lux)

2 **END OF ORDINANCE**



Western Riverside Council of Governments Executive Committee

Staff Report

Subject: Western Riverside Energy Partnership Update

Contact: Tyler Masters, Program Manager, masters@wrcog.cog.ca.us, (951) 955-8378

Date: June 5, 2017

The purpose of this item is to provide the Committee with information on the upcoming 2017 Cool Planet Award, WREP City Council Presentations, and to provide an update on the 2017 SEEC Forum that will be held June 14 – 15, 2017.

Requested Action:

1. Receive and file.

WREP responds to Executive Committee direction for WRCOG, Southern California Edison (SCE), and the Southern California Gas Company (SoCal Gas) to seek ways to improve marketing and outreach to the WRCOG subregion regarding energy efficiency. WREP is designed to assist local governments to set an example for their communities to increase energy efficiency, reduce greenhouse gas emissions, increase renewable energy usage, and improve air quality.

2017 Cool Planet Award

SCE and The Climate Registry have recently announced the application process for the 2017 Cool Planet Award. This annual award recognizes the valuable contributions that SCE customers have achieved in the field of energy and carbon management. All Cool Planet Award recipients and honorable mentions will be recognized at the SCE Cool Planet Award Ceremony scheduled in the fall of 2017 at a location, to be determined, within SCE territory (Attachment 1).

At last year's 2016 Cool Planet Award Ceremony, the Cities of Hemet and Moreno Valley were awarded for continued success in the field of energy efficiency. The City of Hemet received the Champion's Award for its involvement SCE's Energy Leader Partnership, achieving over 500,000 kWh savings (2013 - 2016), and participating in over 130 SCE Demand Response Program events. The City of Moreno Valley received a Cool Planet Award for its involvement in SCE's Energy Leadership Partnership, and achieving over 300,000 kWh savings (2013 – 2016).



Left image: City of Hemet Staff with SCE & Cool Planet Representatives



Right image: City of Moreno Valley staff with SCE & Cool Planet Representatives

The deadline to submit nominations is July 15, 2017. WRCOG staff will be coordinating with WREP member jurisdictions to submit an application on their behalf with the goal of obtaining recognition at the Cool Planet Awards Ceremony that is scheduled for fall 2017. Further information on this award may be found on The Climate Registry's webpage at <https://www.theclimateregistry.org/programs-services/cool-planet-project/cool-planet-award/>.

WREP City Council presentations

Five WREP member jurisdictions have moved up tier levels on the SCE Energy Leader Model platform. The SCE Energy Leader Model platform stands upon a 4-tier based system that allows cities to move up in tiers by promoting and implementing energy efficiency projects and educating residents within those communities on how to be energy efficient. The Cities of Canyon Lake, Norco, Perris, Temecula, and Wildomar have successfully met the requirements in the model to progress to their next tier levels.

WRCOG staff is coordinating with city staff to identify potential dates to provide a short presentation to the member cities' City Council and award the cities with new SCE Tier Level plaques. At these presentations, WRCOG and SCE staff will be providing a background overview of the Partnership, information on the City's accomplishments in the field of energy efficiency, and presenting the City with its new tier level plaque. Below is an attached table that provides further information on each city's prior / new tier level, total amount of kWh saved, and proposed date for scheduled City Council presentation.

WREP Updates

WREP Cities	Prior Tier Level	New Tier Level	Total kWh saved	City Council Presentation
Canyon Lake	Silver	Gold	25,231	June / July
Norco	Silver	Gold	681,097	TBD
Perris	Gold	Platinum	599,405	7/11/2017
Temecula	Gold	Platinum	917,146	4/25/2017
Wildomar	Value	Silver	22,782	5/10/2017



City of Wildomar Council members, City staff, and WREP Partnership team

2017 SEEC Forum

The 8th Annual Statewide Energy Efficiency Collaborative (SEEC) Forum will be held in Fresno June 14 – 15, 2017. The theme for this year's event will be "Bridging the Gap" with the overall goal of providing attendees with approaches and strategies to effectively identify energy and sustainability practices that close the gaps in planning / implementation, data & technology, and policy.

This Forum is offered at no-cost to California local governments and will feature updates from key state agencies, highlighting innovative energy and sustainability projects, best practices / lessons learned, networking / training, and workshops to engage community / residential customers.

In addition, SEEC will also be hosting a pre-Forum workshop on June 13, 2017, that will provide attendees with information on the following items:

- **Energy Efficiency 101:** This workshop looks to provide key background information to help new attendees get the most out of the Forum. Topics of discussion will include state goals for greenhouse gas emissions reductions, funding opportunities, electric vehicle programs, common best practices for municipal retrofits, and business & community outreach.
- **Zero Net Energy for Local Governments:** This workshop will provide local government staff with information, tools, and case studies to help assist attendees drive progress toward Zero Net Energy (ZNE) goals. Furthermore, this workshop will help provide attendees a glimpse on how they can achieve climate change goals through ZNE pilot projects, deep energy retrofits starting with building benchmarking / portfolio analysis, ZNE codes, financial incentives and other tactics.

To encourage participation and have representation from the various energy partnerships throughout the state of California, both SCE and SoCal Gas will be providing reimbursements to two member cities to attend the Forum. If any WREP partnership city staff is interested in attending, please contact Anthony Segura at segura@wrcog.cog.ca.us.

Further information about the event can be found on the Local Government Commission's website at <https://www.lgc.org/caseec/seec-forum/>.

Prior Action:

May 18, 2017: The Technical Advisory Committee received report.

Fiscal Impact:

This item is informational only; therefore, there is no fiscal impact.

Attachment:

1. 2017 Cool Planet Award Nomination Form.

Item 4.K

Western Riverside Energy
Partnership Activities Update

Attachment 1

2017 Cool Planet Award Nomination
Form

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**PREVIOUS AWARD
RECIPIENTS INCLUDE:**

Aquarium of the Pacific
Bacara Resort & Spa
City of Hemet
City of Hermosa Beach
City of Huntington Beach
Houweling Nurseries Oxnard, Inc.
Hyatt Regency, Huntington Beach
Jet Propulsion Laboratory
LBA Realty
Linde
MillerCoors LLC
Safeway
Torrance Memorial Medical Center
University of California Santa Barbara
Victor Valley Wastewater
Reclamation Authority

*View the full list at
www.theclimateregistry.org,
and visit The Climate Registry's
Facebook page to view
more pictures from the event.*



Pacific Hospitality Group



2017 COOL PLANET AWARD

RECOGNIZING EXCELLENCE IN ENERGY & CARBON MANAGEMENT

Southern California Edison (SCE) & The Climate Registry are pleased to announce the 2017 Cool Planet Award. This annual award recognizes the valuable contribution of SCE business customers who demonstrate exemplary leadership in energy and carbon management within their business size and industry sector.

All Cool Planet Award recipients and honorable mentions will be recognized at the SCE Cool Planet Award Ceremony held in the fall of 2017 at a special destination location within SCE territory. All nominees and respective SCE Account Managers will be invited to attend the award ceremony. Attendees will have the opportunity to network with other award nominees and representatives from SCE, The Climate Registry, and other SCE third party partner organizations.



*Victor Valley Wastewater
Reclamation Authority*



City of Hemet

DEADLINE TO SUBMIT NOMINATIONS JULY 15, 2017

Award recipients are chosen using a point-based system, which evaluates the total number of points earned for kWh energy efficiency savings, participation in SCE Demand Response programs, and other sustainability activities as detailed on the nomination form.



West Basin Municipal Water District

INDUSTRY SECTORS

Aerospace
Agriculture
Data Management
Education
Energy
Government & Institutional
Healthcare
Hospitality & Leisure
Manufacturing
Media
Office/Professional Services
Retail
Real Estate
Technology
Telecommunications
Transportation
Water & Wastewater

BUSINESS SIZE

(Based on annual budget
for public institutions)

SMALL

Annual revenue/budget
less than \$250 million

MEDIUM

Annual revenue/budget
\$250-\$500 million

LARGE SIZE

Annual revenue/budget
greater than \$500 million



ADDITIONAL INFORMATION:

- All nominees must have an active customer account with Southern California Edison
- Eligible SCE energy efficiency projects must be completed and installed between the dates of January 1, 2014 and March 31, 2017
- Enrollment in a SCE Demand Response program must be current
- Award recipients may be asked to provide related supporting documentation
- Nomination forms must be signed by your SCE Account Manager prior to submitting to The Climate Registry. An email from your SCE Account Manager is sufficient
- 2015 and 2016 Cool Planet Award recipients are not eligible to apply for a 2017 Cool Planet Award
- Only honorable mentions will be eligible to submit a nomination form for the following year
- Incomplete applications will not be considered for an award

Submit completed and signed nomination forms to:
Nola Hastings at nhastings@theclimateregistry.org
by **July 15, 2017**. For questions and assistance,
please contact Nola at 714.296.2740

The Cool Planet program provides utility business customers with education and technical training to measure and manage their energy use and greenhouse gas emissions. The Cool Planet program is funded by California utility rate payers and administered under the auspices of the California Public Utilities Commission, through a contract awarded to The Climate Registry. California customers who choose to participate in this program are not obligated to purchase any additional services offered by the contractor. This program is offered on a first-come, first-served basis from 1/1/2013-12/31/2017 or until funds are depleted. Terms and conditions apply. The trademarks used herein are the property of their respective owner.



City of Carson



2017 COOL PLANET AWARD NOMINATION FORM RECOGNIZING EXCELLENCE IN ENERGY & CARBON MANAGEMENT

Submit completed and signed nomination forms to: Nola Hastings at nhastings@theclimateregistry.org by **July 15, 2017**. To complete the sections below, please use the "Fill & Sign" option in the upper right corner of Adobe Reader.
For questions and assistance, please contact Nola at 714.296.2740

NOMINEE INFORMATION

Customer/Organization Name: _____

Contact Name & Title: _____

Phone: _____

Email: _____

Address _____

Please indicate your business size (based on annual budget for public institutions):

- ☐ Small Size - annual revenue less than \$250 million
- ☐ Medium Size - annual revenue \$250-\$500 million
- ☐ Large Size - annual revenue greater than \$500 million

- | | |
|---|---|
| ☐ Aerospace | ☐ Media |
| ☐ Agriculture | ☐ Office/Professional Services |
| ☐ Data Management | ☐ Retail |
| ☐ Education | ☐ Real Estate |
| ☐ Energy | ☐ Technology |
| ☐ Government & Institutional | ☐ Telecommunications |
| ☐ Healthcare | ☐ Transportation |
| ☐ Hospitality & Leisure | ☐ Water & Wastewater |
| ☐ Manufacturing | |

If you are unsure of your organization's industry sector, please check with your SCE Account Manager.



The following criteria are points-based. **ONLY** provide information on your organization's environmental leadership efforts completed **JANUARY 1, 2014 - MARCH 31, 2017**.
For assistance identifying your SCE project information, contact your SCE Account Manager.

1) What is your organization's aggregated kilowatt-hour (kWh) savings for SCE energy efficiency projects installed between the dates of January 1, 2014 and March 31, 2017.

- | | |
|---|---|
| ☐ Greater than 100,000 kWh (10 points) | ☐ Greater than 1 million kWh (35 points) |
| ☐ Greater than 200,000 kWh (15 points) | ☐ Greater than 2 million kWh (45 points) |
| ☐ Greater than 500,000 kWh (25 points) | ☐ Greater than 3 million kWh (55 points) |

Please list the requested information for each project below and/or attach as a spreadsheet.

SCE PROJECT TYPE	SCE PROJECT NUMBER	kWh SAVINGS
TOTAL kWh SAVINGS		



**2) Has your organization participated in a SCE energy management program?
Please select all that apply. (5 points per program)**

- | | |
|--|--|
| ☐ California Solar Initiative | ☐ Mid-Market Peak Plus |
| ☐ Chemical Products | ☐ Mid-size Industrial Customers Program |
| ☐ Community Energy Partnership | ☐ Net Energy Metering |
| ☐ Cool Schools (Public K-12) | ☐ Non-Metallic Minerals & Products |
| ☐ Commercial Utility Building Efficiency (CUBE) | ☐ Oil Production |
| ☐ Customized Solutions | ☐ Petroleum Refining |
| ☐ Data Centers EE PProgram (DCEEP) | ☐ Pre-Cool Program |
| ☐ Direct Install | ☐ Primary & Fabricated Metals |
| ☐ Energy Leadership Partnership Program | ☐ Pump Test Efficiency Testing |
| ☐ Entertainment Centers | ☐ RCx Offering |
| ☐ Express Solutions | ☐ Savings By Design |
| ☐ Food & Kindred Products | ☐ Schools EE Program |
| ☐ Healthcare EE Program (HEEP) | ☐ Water Infrastructure Systems Efficiency |
| ☐ HVAC Optimization Program | ☐ Wireless Energy Management Systems |
| ☐ Lodging EE Program (LEEP) | ☐ Other: _____ |

**3) Is your organization currently enrolled in a SCE Demand Response program
(10 points per program)?**

☐ YES ☐ NO

If yes, please include the following information and/or attach as a spreadsheet.

NAME OF SCE DEMAND RESPONSE PROGRAM(S)



- 4) **Has your organization participated in one or more SCE Demand Response event(s) between the dates of January 1, 2016 - March 31, 2017 (2 points per participation date)**

☐ YES ☐ NO

If yes, please include the following information and/or attach as a spreadsheet.

NAME OF SCE DEMAND RESPONSE PROGRAM	DATE OF PARTICIPATION

- 5) **Has your organization conducted a SCE energy audit during the dates of January 1, 2014 - March 31, 2017 (5 points per audit, max of 25 points total)**

☐ YES ☐ NO

If yes, please include the following information and/or attach as a spreadsheet.

DATE	FACILITY	AUDIT NUMBER

BONUS POINT QUESTION:

Did the recommendations in the SCE energy audit lead to the submission of a SCE incentive application? (10 bonus points)

☐ YES ☐ NO



6) Does your organization have a formal energy management plan? (10 points)

☐ YES ☐ NO

If yes, please also answer the following questions. Include any supporting/ additional information in a separate attachment.

Does the plan include energy reduction targets and timelines?

☐ YES ☐ NO

Does your organization have a dedicated energy team?

☐ YES ☐ NO

Does that plan have a regular maintenance schedule in place?

☐ YES ☐ NO

Does the plan include annual energy consumption metrics, benchmarking, analytics, and/or other performance evaluation?

☐ YES ☐ NO

Is there an annual budget for energy improvements/upgrades?

☐ YES ☐ NO

Does the plan include employee education?

☐ YES ☐ NO

BONUS POINT QUESTION:

Is the plan publically available on your organization's website and/or in a Corporate Sustainability Report? (5 bonus points)

☐ YES ☐ NO

If yes, please include a copy of the plan as an attachment and/or a website link.



7) Does your organization have a formal Climate Action/Carbon Management Plan?
(10 points)

☐ YES ☐ NO

If yes, please also answer the following questions. Include any supporting/additional information in a separate attachment.

Does your organization have a dedicated green team?

☐ YES ☐ NO

Does the plan have annual reporting and/or monitoring systems?

☐ YES ☐ NO

Does the plan have carbon reduction targets and timelines?

☐ YES ☐ NO

Does the plan have reduction programs, such as energy efficiency, green power, water & waste management, clean transportation, and supply chain initiatives?

☐ YES ☐ NO

Does the plan utilize analytics and evaluation to track progress?

☐ YES ☐ NO

Does the plan include employee education?

☐ YES ☐ NO

BONUS POINT QUESTION:

Is the plan publicly available on your organization's website and/or in a Corporate Sustainability Report? (5 bonus points)

☐ YES ☐ NO

If yes, please include a copy of the plan as an attachment and/or a website link.



- 8) **Has your organization ever published its carbon footprint? Publishing a carbon footprint requires the reporting of at least Scope 1 and Scope 2 emissions. (10 points)**
☐ YES ☐ NO
- 9) **Is your organization a current member of The Climate Registry? (5 points)**
☐ YES ☐ NO
- BONUS POINT QUESTION:**
Has your organization ever verified its carbon footprint with The Climate Registry? (10 bonus points)
☐ YES ☐ NO
- 10) **Has your organization participated in SCE's Cool Planet Project during the 2014-2017 program cycle? (10 points)**
☐ YES ☐ NO

SCE Account Manager (Please Print):

SCE Account Manager Signature, or please attach email
with SCE Account Manager's approval:

Thank you for your time and effort to complete this application.

Submit completed and signed nomination forms to:
Nola Hastings at nhastings@theclimateregistry.org by **July 15, 2017**
For questions and assistance, please contact Nola at 714.296.2740

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Western Riverside Council of Governments Executive Committee

Staff Report

Subject: Environmental Department Activities Update

Contact: Dolores Sanchez Badillo, Staff Analyst, badillo@wrcog.cog.ca.us, (951) 955-8306

Date: June 5, 2017

The purpose of this item is to provide an update on the Used Oil and Filter Exchange Program and events, and the progress of WRCOG's Pilot Litter Program being conducted in the City of Lake Elsinore.

Requested Action:

1. Receive and file.

WRCOG's Solid Waste Program assists member jurisdictions with addressing state mandates, specifically Assembly Bill AB 939 (1989), which required 25% and 50% diversion of waste from landfills by 1995 and 2000, respectively. While certain aspects of AB 939 have been modified over the years with legislation defining what materials counted towards diversion and how to calculate the diversion rate for jurisdictions, the intent of the bill remains. Each year, a jurisdiction must file an Electronic Annual Report (EAR) with CalRecycle on the jurisdictions' achievements in meeting and maintaining the diversion requirements. The Solid Waste Program also has a Regional Used Oil component which is designed to assist member jurisdictions in educating and promoting proper recycling and disposal of used oil, oil filters, and household hazardous waste (HHW) to the community.

AB 939 Electronic Annual Reports (EAR) update

The EAR describes the progress a jurisdiction has made in achieving the requirements of the Integrated Waste Management Act (AB 939, Chapter 1095, Statutes of 1989) and the Per Capita Disposal Measurement Act of 2008 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016]). The EAR includes the numbers used to calculate a per capita disposal rate plus all required supporting documentation and attachments of any required documentation to support changes to those numbers. The EAR also includes a status on any planned and/or implemented solid waste diversion programs and facilities. These reports are due on August 1st this year.

As part of the WRCOG Solid Waste Cooperative Program, WRCOG staff prepares EARs for the Cities of Banning, Calimesa, Corona, Hemet, Lake Elsinore, Murrieta, Norco, Perris, San Jacinto, Temecula, and Wildomar. These reports describe the progress a jurisdiction has made in achieving the requirements of AB 939. They include numbers used to calculate a per capita disposal rate plus all required supporting documentation. It also includes a status report on planned and implemented solid waste, diversion programs and facilities, as well as planned or implemented revisions to approved solid waste documents. WRCOG works with local waste haulers in completing these reports. WRCOG staff will begin to reach out to these jurisdictions, as well as their waste hauler, to gather the necessary data to complete the EARs on the member's behalf. The data needed for the 2016 EAR include updates on any program changes, disposal and recycling tonnage, events, and materials that the jurisdiction and the waste haulers use to educate the public. Additionally, a new requirement is to provide an update on how the jurisdiction is implementing its organics recycling program, as mandated by Assembly Bill 1826.

Used Oil Payment Program

Background: The California Oil Recycling Enhancement Act provides funds to cities and counties for establishing and maintaining local used oil collection programs to encourage recycling and proper disposal of used oil and oil filters.

CalRecycle is in the process of releasing the funding notices to jurisdictions regarding the Used Oil Payment Program - 8 (OPP 8) funding. For the past twenty years, WRCOG has successfully administered the used oil and filter and HHW regional programs on behalf of requesting member jurisdictions. Currently, the Cities of Banning, Calimesa, Canyon Lake, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Murrieta, Norco, San Jacinto, Temecula, and Wildomar are participating in the Program.

Accomplishments under the OPP funding for 2017 include:

- Distributed 1,325 oil filters at no charge to Do It Yourself who participated in the exchange of free material for turning in used motor oil. Residents throughout Western Riverside County benefited from the program. Marketing via radio campaigns, advance advertising at auto parts stores throughout the region and ten community outreach events that include regional car shows, helped in increasing awareness of the WRCOG Used Oil program.
- The current Oil Payment Program (OPP6) includes servicing 178 Certified Collection Centers (CCCs) throughout the subregion. Most CCCs provide a free and convenient place for DIYs to take used motor oil / filters for recycling. Participating locations promote and bring awareness about the collection of Used Oil.
- To date, held 25 Used Oil and Filter Exchange events throughout the region to promote proper recycling and disposal of used oil and oil filters among residents.
- Conducted 356 used oil CCC site visits throughout the subregion with existing businesses that are CCCs and with potential new businesses.

Used Oil Events

WRCOG's Used Oil and Oil Filter Exchange events help educate and facilitate the proper recycling of used motor oil and used oil filters in various WRCOG jurisdictions. The primary objective of hosting the events is to educate "Do It Yourself" (DIY) individuals who change their own oil, promoting the recycling of used oil and oil filters; therefore, an auto parts store is a great venue for educating these individuals. In addition to promoting used oil / oil filter recycling, staff informs the DIYer about the County-wide HHW Collection Program in which residents can drop-off other automotive and household hazardous products for free.

WRCOG staff recently hosted three Used Oil events and participated / attended community events in the subregion:

Date	Event	Location
5/6/17	Riverside Show and Go Car Show	Downtown Riverside, Market and 9th Streets
5/13/17	City of Riverside Used Oil Event	AutoZone, 3400 La Sierra Ave.
5/27/17	City of Menifee Used Oil Event	AutoZone, 26100 Newport Rd.



Downtown Riverside May 2017
Riverside Annual Show and Go

Upcoming Used Oil Events

The following is a list of Used Oil and Oil Filter Exchange events that are presently scheduled. To request an event for your jurisdiction please contact Kyle Rodriguez, WRCOG Intern, at (951) 955-8328 or rodriguez@wrcog.cog.ca.us.

Date	Event	Location	Time
6/10/2017	City of Temecula Used Oil Event	O'Reilly, 33417 Temecula Pkwy	9 am – 12 pm
6/17/2017	Murrieta Father's Day Car Show	Murrieta Cal Oaks Sports Park	8 am – 2 pm
7/8/2017	City of Hemet Used Oil Event	O'Reilly, 849 West Florida Ave	9 am – 12 pm

WRCOG Pilot and Regional Litter Initiative

In April and May, the Education Outreach component of the Lake Elsinore Pilot Litter Program included presentations to three of the City's comprehensive high schools, Elsinore High School, Temescal Canyon High School and Lakeside High School. Staff engaged and inspired upper-grade students with a presentation, video and discussion about the importance of keeping our communities clean, beautiful and litter-free. Students were encouraged to sign the No Litter Pledge. Feedback from classroom teachers was positive, with invitations to make repeat presentations. Follow up visits to the high schools included visiting with the schools' Principals. Presentations included a letter outlining the Litter Program and a check made out to the school for \$150.00. Administrators were encouraged to use the funds to support an environmental program or provide a scholarship gift to a Senior student with an interest in pursuing an environmental profession. The WRCOG team has plans for the elementary and middle school outreach projects that will take place in the fall. #LoveLE.



Kyle Rodriguez (l), Principal Peter Hopping (c), and Dolores Sanchez Badillo (r) at Lakeside High School

Prior Action:

May 18, 2017: The Technical Advisory Committee received report.

Fiscal Impact:

Used Oil Program activities are included in the Fiscal Year 2016/2017 Agency Budget, under the Environment Department.

Attachment:

None.

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Western Riverside Council of Governments Executive Committee

Staff Report

Subject: BEYOND Framework Fund Round II funding awards

Contact: Andrea Howard, Staff Analyst, howard@wrcog.cog.ca.us, (951) 955-8515

Date: June 5, 2017

The purpose of this item is to provide members of the Committee with an overview of the project applications approved for funding through the BEYOND Round II funding categories.

Requested Action:

1. Receive and file.

The BEYOND Framework Fund is designed to enable member agencies to develop and implement plans and programs aimed at improving quality of life in Western Riverside County by addressing the goal areas outlined in WRCOG's Economic Development and Sustainability Framework (Framework).

Background

BEYOND supports development and implementation of local projects aligned with the six Framework goal areas: economic development, health, education, energy & environment, water, and transportation. Round I of BEYOND funded more than 30 projects beginning in February 2016 which are scheduled to be completed by no later than August 31, 2017.

On June 24, 2016, the Executive Committee approved funding for a second Round of BEYOND and expanded the Program to include two competitive funding categories (entitled BEYOND Team and BEYOND Health), in addition to the central pot of non-competitive funding (BEYOND Core). The funding for BEYOND comes from WRCOG's Fiscal Year (FY) 2015/2016 Agency Carryover Funds, which has been allocated as follows:

Agency Carryover Funds FY 15/16	
Contribution to WRCOG Agency Reserves	\$ 1,047,083.00
BEYOND Core - Round II	\$ 2,052,917.00
BEYOND Team - Regional Collaboration Set Aside	\$ 175,000.00
BEYOND Health - Healthy Communities Set Aside	\$ 75,000.00
Funding for WRCOG Agency Activities	\$ 700,000.00
Funding for Regional Economic Development Initiative	\$ 250,000.00
Total Funds Available	\$ 4,300,000.00

Round II Applications

BEYOND Round II opened in February 2017 with the release of the Program Guidelines. Applications for each of the three BEYOND funding categories (Core, Team, and Health) were due in April 2017. Staff are working

with jurisdictions that requested extensions for BEYOND Core submittals; however, the deadline for submitting applications for Team and Health funds was firmly set due to the competitive nature of these funds.

BEYOND Core: WRCOG received BEYOND Core applications for 38 projects, which support one or more of the Framework goal areas, as required by the Program Guidelines. WRCOG anticipates receiving at least six additional project applications for Round II. Nine member agencies have divided their fixed Core allocation between two or more projects, leveraging the adaptability of the Program to meet a variety of needs with relatively unrestricted usage parameters. Attachment 1 to this report lists the BEYOND Core funding allocation for each member agency. Attachment 2 to this report summarizes all the projects approved for funding through Round II BEYOND Core.

BEYOND Team: WRCOG received three applications for BEYOND Team funding for a combined total ask of \$394,293.00, exceeding the \$175,000 available by \$219,293. Each of the three applications meets the minimum criteria of:

- Supporting one or more of the Framework goal areas; and
- Involving a collaboration between two or more member agencies.

Attachment 3 summarizes the three BEYOND Team applications and the funding amounts awarded to each, which were approved by the Administration & Finance Committee on May 10, 2017. These include \$17,000 for the City of Perris in partnership with Eastern Municipal Water District and local agencies to support the City of Perris' HealthyCommunity50 Green City Farm Project; and \$79,000 each for two applications submitted in partnership with multiple member agencies to address homelessness, one in the southwest region and the other in the northwest region.

BEYOND Health: WRCOG received 14 applications for funding through BEYOND Health for a combined total ask of \$105,000, exceeding the \$75,000 available by \$30,000. Each jurisdiction requested the maximum allotted per agency of \$7,500. Six BEYOND Health applicants took advantage of the Program's streamlined application for projects seeking funding through both Core and Health and were able to submit only one application for consideration through both funding categories. As required, each project demonstrates support for the health goal area of the Framework. Attachment 4 to this report summarizes the funding amounts awarded to the 14 BEYOND Health applications, which were approved by the Administration & Finance Committee on May 10, 2017.

Next Steps

Due to the large volume of applications received, staff are continuing to work with applicants to finalize BEYOND Funding Agreements which will allow work to commence on the proposed projects. In the interim, funded projects will be advised that projects may expend project funds prior to the execution of the Agreement; any current expenses (expenses incurred within this 2016/2017 Fiscal Year) included in the approved project budget would be eligible for reimbursement by WRCOG. Throughout the duration of the project, project managers are strongly advised to consult WRCOG staff prior to incurring any expenses if the expenses are not expressly included in the approved project budget.

Prior Actions:

<u>May 18, 2017:</u>	The Technical Advisory Committee received report.
<u>May 10, 2017:</u>	The Administration & Finance Committee approved funding amounts for BEYOND Team and BEYOND Health applications.

Fiscal Impact:

Funding for Round II of the BEYOND Framework Fund has been programmed accordingly under the Fiscal Year 2016/2017 Agency Budget, in the General Fund.

Attachments:

1. BEYOND Core funding allocation.
2. BEYOND Round II Core funding awards summary.
3. BEYOND Round II Team funding awards summary.
4. BEYOND Round II Health funding awards summary.

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Item 4.M

BEYOND Framework Fund Round II
funding awards

Attachment 1

BEYOND Core funding allocation

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BEYOND Round II

BEYOND Core Funding Allocation Distribution

Jurisdiction	Allocation
Banning	\$ 62,664.24
Calimesa	\$ 35,000.00
Canyon Lake	\$ 39,488.29
Corona	\$ 150,868.24
Eastvale	\$ 94,576.24
Hemet	\$ 107,257.24
Jurupa Valley	\$ 120,837.49
Lake Elsinore	\$ 92,959.24
Menifee	\$ 113,957.74
Moreno Valley	\$ 161,049.24
Murrieta	\$ 129,101.74
Norco	\$ 58,135.54
Perris	\$ 102,496.24
Riverside	\$ 190,877.49
San Jacinto	\$ 82,009.54
Temecula	\$ 126,736.24
Wildomar	\$ 67,648.34
County of Riverside	\$ 177,254.30
Eastern Municipal Water District	\$ 35,000.00
Western Municipal Water District	\$ 35,000.00
Riverside County Superintendent of Schools	\$ 35,000.00
Morongo Band of Mission Indians	\$ 35,000.00
Total BEYOND Core Allocation	\$ 2,052,917.31

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BEYOND Framework Fund Round II
funding awards

Attachment 2

BEYOND Round II Core funding
awards summary

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BEYOND Core Approved Projects As of May 15, 2017		
Jurisdiction	Project Name	Funding Award Amount
Banning	Lions Park Expansion	\$ 62,664.24
Calimesa	Creekside Park Fitness Facilities	\$ 35,000.00
Canyon Lake	Railroad Canyon Road Mobility Improvement Project	\$ 28,000.00
	Goetz Road Monument Project	\$ 6,733.00
	City Website	\$ 4,755.00
	Total Allocation	\$ 39,488.29
Corona	Corona Innovation Center	\$ 150,868.24
Eastvale	Bus Shelters & Appurtenances	\$ 94,576.24
Hemet	Hemet HEROES Initiative	\$ 107,257.24
Jurupa Valley	JV Chamber of Commerce	\$ 25,000.00
	Farmers Market	\$ 10,000.00
	Marketing/Branding Program	\$ 7,500.00
	Radar Display Signs	\$ 60,000.00
	Rubidoux Walking Corridor	\$ 18,337.00
	Total Allocation	\$ 120,837.49
Lake Elsinore	Regional Cancer Taskforce	\$ 10,000.00
	Healthy LE Program	\$ 9,500.00
	Fit-Trails Equipment	\$ 73,459.24
	Total Allocation	\$ 92,959.24
Menifee	Communicating Menifee's Brand!	\$ 109,957.74
	Menifee Homeless Taskforce	\$ 4,000.00
	Total Allocation	\$ 113,957.74
Moreno Valley	Community Enhancement Program II	\$ 161,049.24
Murrieta	Economic Development Site Selector Website	\$ 29,101.74
	HVAC Replacement at Murrieta Innovation Center	\$ 100,000.00

BEYOND Core Approved Projects As of May 15, 2017		
Jurisdiction	Project Name	Funding Award Amount
	Total Allocation	\$ 129,101.74
Norco	Ensuring Safety Through Feedback Signs	\$ 58,135.54
Perris	Well One	\$ 14,000.00
	Perris green City Farm/HealthyCommunity50	\$ 88,496.24
	Total Allocation	\$ 102,496.24
Riverside	The Marketplace TOD & Mobility Hub Specific Plan Update	\$ 190,877.49
San Jacinto	San Jacinto Gateway Specific Plan	\$ 82,009.54
Temecula	Temecula Youth Project Construct	\$ 15,000.00
	Regional Cancer Taskforce + Lake Elsinore	\$ 20,000.00
	Emergency Management System	\$ 5,000.00
	Intergenerational Horticulture Program	\$ 10,000.00
	Bicycle Sharrows	\$ 20,000.00
	Industry Sector Promotions/Site Visits & Surveys	\$ 5,000.00
	Government Leadership Program for Youth (GLPY)	\$ 10,000.00
	Sixth Street Sidewalk Improvements	\$ 41,736.00
	Total Allocation	\$ 126,736.24
Riverside County - RUHS-PH	Building Capacity for Implementation -- Healthy Development Checklist	\$ 25,000.00
Eastern MWD	EMWD Sustainability Center Feasibility Study	\$ 35,000.00
Superintendent of Schools	Meta THINK	\$ 35,000.00
Morongo Band of Mission Indians	Morongo Dial-A-Ride Program	\$ 35,000.00

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BEYOND Framework Fund Round II
funding awards

Attachment 3

BEYOND Round II Team funding
awards summary

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**BEYOND Team Approved Projects
As of May 10, 2017**

Lead Agency	Partner Agencies	Project Name	Funding Award Amount
City of Perris	EMWD, UC Extension - Master Gardener; 3 Elementary Schools	Healthy Community 50/Perris Green City Farm	\$ 17,000.00
City of Temecula	City of Lake Elsinore, City of Menifee, City of Murrieta, City of Wildomar, City of Temecula, Community Mission of Hope	Regional Homeless Alliance (Southwest Cities)	\$ 79,000.00
City of Riverside	City of Corona, City of Jurupa Valley, City of Lake Elsinore, City of Riverside County of Riverside, Path of Life	Western Riverside Homeless Collaborative	\$ 79,000.00
Total			\$ 175,000.00

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Item 4.M

BEYOND Framework Fund Round II
funding awards

Attachment 4

BEYOND Round II Health funding
awards summary

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**BEYOND Health Approved Projects
As of May 10, 2017**

Jurisdiction	Project Name	Funding Award Amount
City of Banning	Lions Park Expansion	\$ 6,000.00
City of Calimesa	Creekside Park Fitness Facilities	\$ 6,000.00
City of Corona	Health and Wellness Component of General Plan Interim Technical Update	\$ 6,000.00
City of Jurupa Valley	Rubidoux Healthy Walk Enhancement Program	\$ 6,000.00
City of Lake Elsinore	Fit Trails	\$ 6,000.00
City of Menifee	Southwest Riverside County Cancer Care Health Needs Assessment	\$ 6,000.00
City of Moreno Valley	Moreno Valley Healthy Community Element	\$ 6,000.00
City of Murrieta	Southwest Riverside County Cancer Care Health Needs Assessment	\$ 6,000.00
City of Norco	Party Partners	\$ 6,000.00
City of Perris	Well One	\$ 6,000.00
City of Riverside	Green Action Plan	\$ 3,750.00
City of San Jacinto	San Jacinto Gateway Specific Plan	\$ 3,750.00
County / RUHS - Public Health	Healthy Living Extravaganza	\$ 3,750.00
Eastern Municipal Water District	"H2O To Go 100" Water Bottle Fill Station	\$ 3,750.00
Total Requested		\$ 75,000.00

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Western Riverside Council of Governments Executive Committee

Staff Report

Subject: Update on WRCOG Agency office relocation

Contacts: Ernie Reyna, Chief Financial Officer, reyna@wrcog.coq.ca.us, (951) 955-8432

Date: June 5, 2017

The purpose of this item is to provide the Committee with an update on the WRCOG office relocation.

Requested Action:

1. Receive and file.
-

WRCOG currently occupies 5,532 square feet at the County Administrative Center (CAC), and space is at a premium with up to 30 staff / consultants / interns onsite at any given time. Options for Agency relocation have been discussed with the Administration & Finance and Executive Committees, and this report provides an update on WRCOG's current situation.

Update

On February 6, 2017, staff received direction from the Executive Committee to work with County EDA to relocate to the Pacific Premier Building (3403 Tenth Street). Since this time, WRCOG has met with EDA to refine the relocation plans and designs. As more detailed discussions occurred, WRCOG learned that the relocation costs to this location would be higher than previously estimated. More importantly, WRCOG also determined that the EDA space might not be sufficient to accommodate the Agency. As such, during the last few weeks, WRCOG renewed discussions with the owners of the Citrus Towers Building for relocating the Agency to that location. Because of time constraints and due to the fact that the Citrus Towers owners were close to signing another tenant in the space that WRCOG desired, WRCOG received authority from the Administration & Finance Committee to sign a lease to relocate the Agency to this location.

The relocation will occur under the same terms that were approved previously by the Executive Committee.

Prior Actions:

- | | |
|---------------------------|--|
| <u>May 10, 2017:</u> | The Administration & Finance Committee directed staff to move forward in relocating its offices to the Citrus Tower building located at 3390 University Ave., Riverside, with a 10-year lease. |
| <u>February 6, 2017:</u> | The Executive Committee approved staff's recommendation to relocate the WRCOG offices to the Pacific Premiere Bank building and seek a 10-year lease agreement with the County of Riverside. |
| <u>January 11, 2017:</u> | The Administration & Finance Committee recommended that WRCOG relocate its offices to the Pacific Premiere building located at 3403 Tenth St., Riverside. |
| <u>January 9, 2017:</u> | The Executive Committee authorized WRCOG to relocate the WRCOG offices to the Citrus Towers, utilizing 10,597 square feet, with a 10-year lease. |
| <u>December 14, 2016:</u> | The Administration & Finance Committee recommended that WRCOG relocate its offices to the Citrus Tower building located at 3390 University Ave., Riverside. |

August 1, 2016:

The Executive Committee directed staff to 1) request the County to hold the space for another 60 days; 2) circle back with WMWD for further discussions; 3) explore the purchase of a building in an expanded area beyond a half-block radius; and 4) revisit options for the 2nd floor within this building.

July 11, 2016:

The Administration & Finance Committee recommended that the Executive Committee approve the relocation of the Agency to space within a County-owned building at 3404 10th Street, Riverside.

Fiscal Impact:

Funding for office relocation is included in the proposed Fiscal Year 2017/2018 Agency Budget.

Attachment:

None.



Western Riverside Council of Governments Executive Committee

Staff Report

Subject: PACE Programs Public Hearing

Contact: Michael Wasgatt, Program Manager, wasgatt@wrcog.cog.ca.us, (951) 955-8301

Date: June 5, 2017

The purpose of this item is to provide the Committee with requested actions for the PACE Programs that WRCOG oversees under its PACE Umbrella. This includes items that relate to the public hearings and operational changes of the HERO Program, SAMAS PACE, CaliforniaFIRST, and Spruce PACE Programs.

Requested Actions:

1. Conduct a Public Hearing regarding the inclusion of the Cities of Marysville and Shasta Lake.
2. Adopt WRCOG Resolution Number 14-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments confirming modification of the California HERO Program Report so as to expand the Program area within which contractual assessments may be offered.
3. Accept the Counties of Amador and Glenn Unincorporated areas as Associate Members of the Western Riverside Council of Governments.
4. Adopt WRCOG Resolution Number 15-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments declaring its intention to modify the California HERO Program Report so as to increase the Program area within which contractual assessments may be offered and setting a Public Hearing thereon.

WRCOG's PACE Programs provide financing to property owners to implement a range of energy saving, renewable energy, and water conserving improvements to their homes and businesses. Improvements must be permanently fixed to the property and must meet certain criteria to be eligible for financing. Financing is paid back through a lien placed on the property tax bill. The HERO Program was initiated in December 2011 and has been expanded (an effort called "California HERO") to allow for jurisdictions throughout the state to join WRCOG's Program and allow property owners in these jurisdictions to participate. The CaliforniaFIRST Program has launched and the Spruce PACE Programs is anticipated to launch in summer 2017. The items below are related to public notices and public hearings regarding the HERO Program.

Public Hearing and Related Resolution: On June 3, 2013, the Executive Committee, acting in accordance with Chapter 29 of the Part 3, Division 7 of the Streets and Highways Code ("Chapter 29"), conducted a public hearing to consider formally establishing the Program. At the conclusion of the public hearing the Executive Committee adopted its Resolution Number 10-13 confirming the Program Report for the Program and establishing the Program.

Recently, the Cities of Marysville and Shasta Lake took action to become Associate Members of WRCOG, thereby enabling the Executive Committee to undertake proceedings to increase the area within which voluntary contractual assessments may be offered pursuant to the Program (the "Program Area") to include the jurisdictions of such Associate Members.

On April 3, 2017, the Executive Committee adopted its Resolution Number 09-17 setting a public hearing to be held on May 1, 2017, as required pursuant to Chapter 29, to consider the modification of the Program Report to increase the Program Area to include the jurisdictional boundaries of such additional Associate Members.

Due to the notice of public hearing for the Cities of Marysville and Shasta Lake not being published in their respective counties on time, the public hearing regarding the inclusion of the Cities of Marysville and Shasta Lake needed to be continued to the until the June 5, 2017, Executive Committee meeting.

For the June 5, 2017, Executive Committee meeting, staff is presenting the revised Appendix B "Boundary Map" from the Program Report for consideration and potential approval; the Executive Committee will hold a public hearing to consider increasing the Program Area to include all of the aforementioned Associate Members and, following the closing of the public hearing, will be asked to consider the adoption of WRCOG Resolution Number 14-17 (Attachment 1), approving the revised Appendix B "Boundary Map" from the Program Report (Attachment 2).

New Associate Members: The following jurisdictions have adopted or will be adopting resolutions consenting to the inclusion of such city in the California HERO Program and approving the "Amendment to Joint Powers Agreement Adding the City/County of XXX as an Associate Member of the Western Riverside Council of Governments to Permit the Provision of Property Assessed Clean Energy (PACE) Program Services within the City" (the "JPA Amendment"), by and between Authority and such City/County to as an Associate Member of WRCOG for the purposes of implementing the California HERO Program prior to the June 5, 2017, Executive Committee meeting.

County of Amador Unincorporated areas – May 23, 2017

County of Glenn Unincorporated areas – May 16, 2017

The next step in the California HERO Program is for the Executive Committee to adopt Resolution Number 15-17 (Attachment 3), which accepts the above mentioned Cities as Associate Members of WRCOG for the purposes of participating in the Program and approve the execution of the Joint Powers Agreement Amendment for each such City and County and set their public hearing for July 10, 2017.

At the July 10, 2017, Executive Committee meeting, staff will bring forward the revised Appendix B "Boundary Map" from Program Report for consideration and potential approval; the Executive Committee will hold the Program's required public hearing and, following the closing of the public hearing, will be asked to consider the adoption of a WRCOG resolution approving the revised Appendix B "Boundary Map" from the Program Report.

Prior Actions:

May 1, 2017:

The Executive Committee continued the Public Hearing Regarding the Inclusion of the Cities of Marysville and Shasta Lake until June 5, 2017, and continued the remaining items to its next meeting, due to time constraints.

April 3, 2017:

The Executive Committee 1) received WRCOG HERO Summary; 2) conducted a Public hearing Regarding the Inclusion of the Cities of Cupertino and Susanville for purposes of considering the modification of the Program Report for the California HERO Program to increase the Program Area to include such additional jurisdictions and to hear all interested persons that may appear to support or object to, or inquire about the Program; 3) adopted WRCOG Resolution Number 08-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments Confirming Modification of the California HERO Program Report So As to Expand the Program Area Within Which Contractual Assessments May Be Offered; 4) accepted the Cities of Marysville and Shasta Lake as Associate Members of the Western Riverside Council of Governments; 5) adopted WRCOG Resolution Number 09-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments Declaring its Intention to Modify the California HERO Program Report so as to Increase the Program Area Within Which Contractual Assessments May Be Offered And Setting A Public Hearing Theron; and 6) adopted WRCOG Resolution 10-17; A Resolution of the Western Riverside Council of Governments Authorizing the Issuance of Spruce PACE Bonds, Amending the Program

Report and Approving the Forms of a Professional Administration Agreement with Spruce PACE, a Master Indenture and Supplemental Indenture, Bond Purchase Agreement, Professional Services Agreement for Assessment Administration for the Issuance of bonds for the WRCOG Spruce PACE Program and Appointing a Trustee.

Fiscal Impact:

HERO revenues and expenditures for the WRCOG and California HERO Programs are allocated in the Fiscal Year 2016/2017 Budget under the Energy Department. Additional staff and legal costs incurred to include seismic strengthening projects as an eligible installation will be recovered in the project administration costs.

Attachments:

1. WRCOG Resolution Number 14-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments confirming modification of the California HERO Program Report so as to expand the Program area within which contractual assessments may be offered.
2. Revised Appendix B of the California HERO Program Report.
3. WRCOG Resolution Number 15-17; A Resolution of the Executive Committee of the Western Riverside Council of Governments declaring its intention to modify the California HERO Program Report so as to increase the Program area within which contractual assessments may be offered and setting a Public Hearing thereon.

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Item 5.A

PACE Programs Public Hearing

Attachment 1

WRCOG Resolution Number 14-17;
A Resolution of the Executive
Committee of the Western Riverside
Council of Governments confirming
modification of the California HERO
Program Report so as to expand the
Program area within which
contractual assessments may be
offered

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Western Riverside Council of Governments

County of Riverside • City of Banning • City of Calimesa • City of Canyon Lake • City of Corona • City of Eastvale • City of Hemet • City of Jurupa Valley
City of Lake Elsinore • City of Menifee • City of Moreno Valley • City of Murrieta • City of Norco • City of Perris • City of Riverside • City of San Jacinto
City of Temecula • City of Wildomar • Eastern Municipal Water District • Western Municipal Water District • Morongo Band of Mission Indians
Riverside County Superintendent of Schools

RESOLUTION NUMBER 14-17

A RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS CONFIRMING MODIFICATION OF THE CALIFORNIA HERO PROGRAM REPORT SO AS TO EXPAND THE PROGRAM AREA WITHIN WHICH CONTRACTUAL ASSESSMENTS MAY BE OFFERED

WHEREAS, the Executive Committee of the Western Riverside Council of Governments (WRCOG) previously undertook proceedings pursuant to Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code (the "Chapter 29") to permit the provision of property assessed clean energy (PACE) services within those cities that had taken action to become Associate Members of WRCOG as of the date of the initiation of such proceedings, ordered the preparation of a report (the "Program Report") addressing all of the matters set forth in Section 5898.22 and 5898.23 of Chapter 29, held a public hearing on June 3, 2013, on the proposed PACE program and the Program Report and did, by the adoption of its Resolution Number 10-13 on such date (the "Resolution Confirming the Program Report") following such public hearing, approve and establish and order the implementation of a voluntary contractual assessment program to be known as the "California HERO Program" (the "Program") to assist property owners within the jurisdictional boundaries of such Associate Members with the cost of installing distributed generation renewable energy sources, energy and water efficient improvements and electric vehicle charging infrastructure that are permanently fixed to their properties ("Authorized Improvements"); and

WHEREAS, in approving the Program Report, the Executive Committee also established the jurisdictional boundaries of such Associate Members as the initial territory within which voluntary contractual assessments may be offered (the "Program Area") to provide for financing of the installation of Authorized Improvements on properties within such Program Area; and

WHEREAS, subsequent to the establishment of the Program, the Executive Committee has undertaken proceedings pursuant to Chapter 29 to expand the Program Area within which contractual assessments may be offered to include the jurisdictions of certain counties and additional cities that had taken action to become Associate Members of WRCOG since the establishment of the Program; and

WHEREAS, now the legislative bodies of the Cities of Marysville and Shasta Lake, have taken action to become Associate Members of WRCOG and thereby enable the Executive Committee to consider further modifying the Program Report by increasing the Program Area to include the jurisdictions of such new Associate Members so as to enable voluntary contractual assessments to be offered pursuant to the Program to the owners of properties within such jurisdictions to finance the installation of Authorized Improvements on such properties; and

WHEREAS, the Executive Committee did, by the adoption of its Resolution Number 09-17 (the "Resolution of Intention"), initiate proceedings pursuant to Chapter 29 to modify the Program Report to include the jurisdictions of the Cities of Marysville and Shasta Lake, ordered a public hearing to be held on June 5, 2017, for the purposes of affording all persons who are present an opportunity to comment upon, object to, or present evidence with regard to such proposed modification of the Program Report; and

WHEREAS, as required by Section 5898.24 of Chapter 29 and the Resolution of Intention, the Secretary of the Executive Committee caused publication of notice of public hearing for the purpose of allowing interested persons to comment upon, object to or inquire about the proposed modification of the Program Report; and

WHEREAS, on this date, the Executive Committee held the duly noticed public hearing as required by Chapter 29, at which the proposed modification of the Program Report so as to modify the Program Area to include the Cities of Marysville and Shasta Lake, was summarized and all persons who were present were given an opportunity to comment upon, object to, or present evidence with regard to the proposed modification of the Program Report.

NOW, THEREFORE, BE IT RESOLVED by the Executive Committee of the Western Riverside Council of Governments as follows:

Section 1. Recitals. The above recitals are true and correct.

Section 2. Confirmation of Modification of the Program Report. The modification of the Program Report so as to modify the Program Area to the Cities of Marysville and Shasta Lake, in the California HERO Program is hereby approved and confirmed.

Section 3. Effective Date of Resolution. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Executive Committee of the Western Riverside Council of Governments held on June 5, 2017.

Ben Benoit, Chair
WRCOG Executive Committee

Rick Bishop, Secretary
WRCOG Executive Committee

Approved as to form:

Best Best & Krieger, LLP
WRCOG Bond Counsel

AYES: _____ NOES: _____ ABSENT: _____ ABSTAIN: _____

Item 5.A

PACE Program Public Hearing

Attachment 2

Revised Appendix B of the California
HERO Program Report

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PROGRAM REPORT

CITIES/TOWNS OF ALBANY, ALHAMBRA, ALISO VIEJO, AMADOR, AMERICAN CANYON, ANAHEIM, ANTIOCH, ARCADIA, ARCATA, ARVIN, ATHERTON, ATWATER, AVALON (COMMERCIAL ONLY), AVENAL, AZUSA, BAKERSFIELD, BALDWIN PARK, BEAUMONT, BELL GARDENS (COMMERCIAL ONLY), BELLFLOWER, BELMONT, BELVEDERE, , BENICIA, BERKLEY, BISHOP, BLUE LAKE, BLYTHE, BRADBURY, BRAWLEY, BREA, BRENTWOOD, BRISBANE, BUENA PARK, BURLINGAME, CALABASAS (COMMERCIAL ONLY), CALEXICO, CALIFORNIA CITY, CALIPATRIA, CALISTOGA, CAMARILLO, CAMPBELL, CAPITOLA, CARLSBAD, CARMEL, CARSON, CATHEDRAL CITY, CERES, CHICO, CHOWCHILLA, CHULA VISTA, CITRUS HEIGHTS, CLAREMONT, CLAYTON, CLOVERDALE, CLOVIS, COACHELLA, COALINGA, COLMA, COMMERCE, CONCORD, CORCORAN, CORNING, CORONADO, COSTA MESA, COTATI, COVINA, CRESCENT CITY, CYPRESS, DALY CITY, DANVILLE, DAVIS, DEL MAR, DEL REY OAKS, DELANO, DESERT HOT SPRINGS, DIAMOND BAR, DINUBA, DIXON, DORRIS, DOS PALOS, DUBLIN ,DUNSMUIR, EL CAJON, EL CENTRO, EL CERRITO, EL MONTE, EL SEGUNDO, ELK GROVE, ENCINITAS, ESCONDIDO, ETNA, EUREKA, EXETER, FAIRFAX, FAIRFIELD, FARMERSVILLE, FERNDAL, FILLMORE, FIREBAUGH, FORT BRAGG, FORTUNA, FOSTER, FOUNTAIN VALLEY, FOWLER, FREMONT, FRESNO, GALT, GARDEN GROVE, GARDENA, GILROY, GLENDORA, GONZALES, GRASS VALLEY, GREENFIELD, GROVER BEACH, GUSTINE, HALF MOON BAY, HANFORD, HAWTHORNE, HAYWARD, HEALDSBURG, HERMOSA BEACH, HILLSBOROUGH, HOLTVILLE, HUGHSON, HUNTINGTON BEACH, HURON, IMPERIAL BEACH, IMPERIAL, INDIAN WELLS, INDIO, INDUSTRY, INGLEWOOD, IONE, IRWINDALE, ISLETON, JACKSON, KERN, KING CITY, KINGSBURG, LA CANADA FLINTRIDGE, LA HABRA, LA MESA, LA PALMA, LA QUINTA, LA VERNE, LAFAYETTE, LAGUNA BEACH, LAGUNA HILLS, LAKE FOREST, LANCASTER, LARKSPUR, LATHROP, LAWDALE, LEMON GROVE, LEMOORE, LINDSAY, LIVE OAK, LIVINGSTON, LODI, LOMITA, LOMPOC, LONG BEACH (COMMERCIAL ONLY), LOS BANOS, LOYALTON, MADERA, MALIBU, MAMMOTH LAKES, MANTECA, MARTINEZ, MARYSVILLE, MCFARLAND, MENDOTA, MENLO PARK, MERCED, MILL VALLEY, MILLBRAE, MISSION VIEJO, MODESTO, MONROVIA, MONTEBELLO, MONTEREY PARK, MONTEREY, MOORPARK, MORAGA, MORGAN HILL, MORRO BAY, MOUNT SHASTA, MOUNTAIN VIEW, NAPA, NATIONAL CITY, NEVADA CITY, NEWARK, NEWMAN, NEWPORT BEACH, NOVATO, OAKDALE, OAKLAND, OAKLEY, OCEANSIDE, OJAI, ORANGE COVE, ORLAND, OROVILLE, OXNARD, PACIFIC GROVE, PACIFICA, PALM DESERT, PALM SPRINGS, PALMDALE, PARADISE, PARLIER, PASO ROBLES, PATTERSON, PIEDMONT, PINOLE, PITTSBURG, PLACENTIA, PLACERVILLE, PLEASANT HILL, PLYMOUTH, POINT ARENA, POMONA, PORT HUENEME, PORTERVILLE, PORTOLA VALLEY, POWAY, RANCHO CORDOVA, RANCHO MIRAGE, RANCHO PALOS VERDES, RANCHO SANTA MARGARITA, REDDING, REDONDO BEACH, REDWOOD CITY, REEDLEY, RICHMOND, RIDGECREST, RIO VISTA, RIPON, RIVERBANK, ROHNERT PARK, ROLLING HILLS ESTATES, ROLLING HILLS, ROSEMEAD, SACRAMENTO, SALINAS, SAN ANSELMO, SAN BRUNO, SAN BUENAVENTURA, SAN CARLOS, SAN CLEMENTE, SAN DIEGO, SAN DIMAS, SAN FERNANDO, SAN GABRIEL, SAN JOAQUIN, SAN JOSE, SAN JUAN BAUTISTA, SAN LEANDRO, SAN LUIS OBISPO, SAN MARCOS, SAN MARINO, SAN MATEO, SAN PABLO, SAN RAFAEL, SAN RAMON, SAND CITY, SANGER, SANTA ANA, SANTA CLARA, SANTA CRUZ, SANTA MONICA, SANTA PAULA, SANTEE, SAUSALITO, SCOTTS VALLEY, SEASIDE, SEBASTOPOL, SELMA, SHAFTER, SHASTA LAKE, SIERRA MADRE, SIMI VALLEY, SOLANA BEACH, SONOMA, SOUTH EL MONTE, SOUTH LAKE TAHOE, SOUTH PASADENA, SOUTH SAN FRANCISCO, ST. HELENA, STANTON, STOCKTON, SUISUN CITY, SUTTER CREEK, TAFT, TEHACHAPI, TEHAMA, TEMPLE CITY, THOUSAND OAKS, TIBURON, TORRANCE, TRACY, TRINIDAD, TULARE, TURLOCK, TUSTIN, UKIAH, UNION CITY, VACAVILLE, VALLEJO, VISALIA, VISTA, WALNUT, WALNUT CREEK, WASCO, WATERFORD, WATSONVILLE, WEED, WEST COVINA, WEST SACRAMENTO, WESTMINSTER, WHEATLAND, WINDSOR, WINTERS, WOODLAKE, WOODLAND, WOODSIDE, YORBA LINDA, YOUNTVILLE , YREKA, AND YUBA CITY, AND THE UNINCORPORATED COUNTIES OF ALAMEDA, BUTTE, COLUSA, CONTRA COSTA, DEL NORTE, EL DORADO, FRESNO, HUMBOLDT, IMPERIAL, KERN, KINGS, MADERA, MARIN, MARIPOSA, MENDOCINO, MERCED, MONO, MONTEREY, NAPA, NEVADA, RIVERSIDE, SACRAMENTO, SAN DIEGO, SAN FRANCISCO, SAN JOAQUIN, SAN LUIS OBISPO, SAN MATEO, SANTA CRUZ, SHASTA, SISKIYOU, SOLANO, SONOMA, TEHAMA, YOLO, AND YUBA.

ADOPTED JUNE 3, 2013 - REVISED JULY 15, 2013 - REVISED AUGUST 5, 2013 - REVISED SEPTEMBER 9, 2013 – REVISED
NOVEMBER 4, 2013 - REVISED DECEMBER 2, 2013 - REVISED JANUARY 6, 2014 REVISED FEBRUARY 3, 2014 - REVISED MARCH
3, 2014 - REVISED APRIL 7, 2014 - REVISED MAY 5, 2014 REVISED JUNE 2, 2014 – AMENDED JUNE 9, 2014 - REVISED JULY 7,
2014 – REVISED AUGUST 4, 2014 – REVISED SEPTEMBER 8, 2014 – REVISED OCTOBER 6, 2014 -REVISED NOVEMBER 3, 2014
REVISED DECEMBER 1, 2014 – REVISED JANUARY 5, 2015 - REVISED FEBRUARY 2, 2015, REVISED MARCH 2, 2015- REVISED
APRIL 6, 2015 – REVISED MAY 4, 2015 – REVISED JUNE 1, 2015 – REVISED JULY 6, 2015 – REVISED AUGUST 3, 2015 –
REVISED SEPTEMBER 14, 2015 – REVISED OCTOBER 5, 2015 – REVISED NOVEMBER 2, 2015 – REVISED DECEMBER 7, 2015 –
REVISED JANUARY 4, 2016 – REVISED FEBRUARY 1, 2016 – REVISED MARCH 7, 2016 – REVISED APRIL 4, 2016 – REVISED MAY
2, 2016 – REVISED JUNE 6, 2016 – REVISED JULY 11, 2016 – REVISED AUGUST 1, 2016 – REVISED DECEMBER 5, 2016–
REVISED JANUARY 9, 2017–REVISED APRIL 3, 2017 –REVISED JUNE 5, 2017

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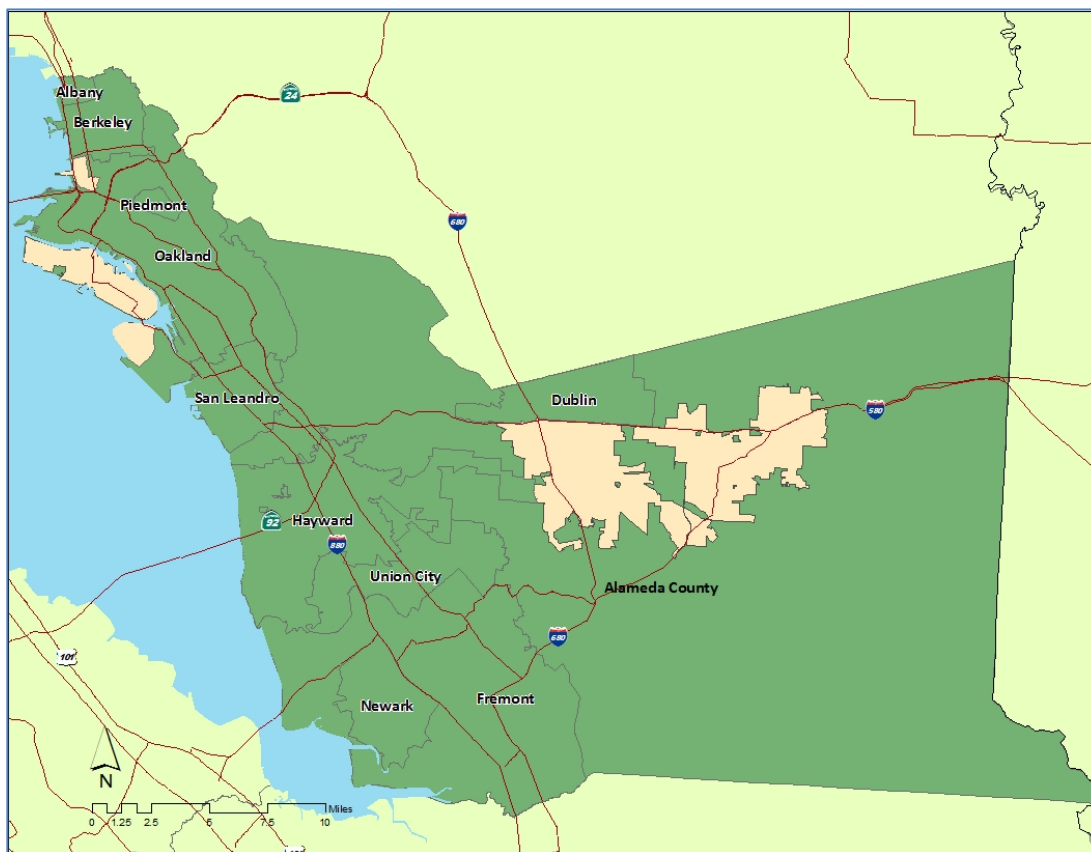
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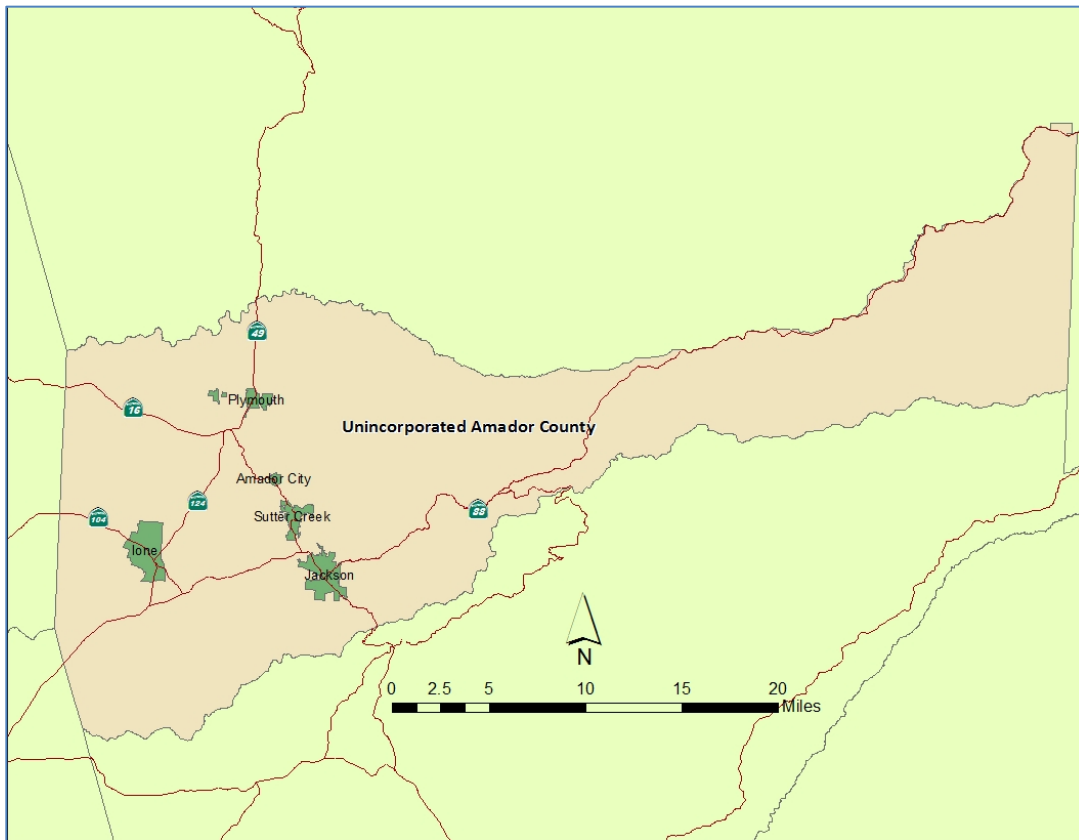
Appendix B
MAP OF PROGRAM AREA
(JUNE 5, 2017)

The territories within which voluntary contractual assessments are authorized to be offered pursuant to the California hero program are the jurisdictional boundaries of Albany, Alhambra, Aliso Viejo, Amador, American Canyon, Anaheim, Antioch, Arcadia, Arcata, Arvin, Atherton, Atwater, Avalon (Commercial Only), Avenal, Azusa, Bakersfield, Baldwin Park, Beaumont, Bell Gardens (Commercial Only), Bellflower, Belmont, Belvedere, Benicia, Berkley, Bishop, Blue Lake, Blythe, Bradbury, Brawley, Brea, Brentwood, Brisbane, Buena Park, Burlingame, Calabasas (Commercial Only), Calexico, California City, Calipatria, Calistoga, Camarillo, Campbell, Capitola, Carlsbad, Carmel, Carson, Cathedral City, Ceres, Chico, Chowchilla, Chula Vista, Citrus Heights, Claremont, Clayton, Cloverdale, Clovis, Coachella, Coalinga, Colma, Commerce, Concord, Corcoran, Corning, Coronado, Costa Mesa, Cotati, Covina, Crescent City, Cypress, Daly City, Danville, Davis, Del Mar, Del Rey Oaks, Delano, Desert Hot Springs, Diamond Bar, Dinuba, Dixon, Dorris, Dos Palos, Dublin, Dunsmuir, El Cajon, El Centro, El Cerrito, El Monte, El Segundo, Elk Grove, Encinitas, Escondido, Etna, Eureka, Exeter, Fairfax, Fairfield, Farmersville, Ferndale, Fillmore, Firebaugh, Fort Bragg, Fortuna, Foster, Fountain Valley, Fowler, Fremont, Fresno, Galt, Garden Grove, Gardena, Gilroy, Glendora, Gonzales, Grass Valley, Greenfield, Grover Beach, Gustine, Half Moon Bay, Hanford, Hawthorne, Hayward, Healdsburg, Hermosa Beach, Hillsborough, Holtville, Hughson, Huntington Beach, Huron, Imperial Beach, Imperial, Indian Wells, Indio, Industry, Inglewood, Ione, Irwindale, Isleton, Jackson, Kerman, King City, Kingsburg, La Canada Flintridge, La Habra, La Mesa, La Palma, La Quinta, La Verne, Lafayette, Laguna Beach, Laguna Hills, Lake Forest, Lancaster, Larkspur, Lathrop, Lawndale, Lemon Grove, Lemoore, Lindsay, Live Oak, Livingston, Lodi, Lomita, Lompoc, Long Beach (Commercial Only), Los Banos, Loyalton, Madera, Malibu, Mammoth Lakes, Manteca, Martinez, Marysville, McFarland, Mendota, Menlo Park, Merced, Mill Valley, Millbrae, Mission Viejo, Modesto, Monrovia, Montebello, Monterey Park, Monterey, Moorpark, Moraga, Morgan Hill, Morro Bay, Mount Shasta, Mountain View, Napa, National City, Nevada City, Newark, Newman, Newport Beach, Novato, Oakdale, Oakland, Oakley, Oceanside, Ojai, Orange Cove, Orland, Oroville, Oxnard, Pacific Grove, Pacifica, Palm Desert, Palm Springs, Palmdale, Paradise, Parlier, Paso Robles, Patterson, Piedmont, Pinole, Pittsburg, Placentia, Placerville, Pleasant Hill, Plymouth, Point Arena, Pomona, Port Hueneme, Porterville, Portola Valley, Poway, Rancho Cordova, Rancho Mirage, Rancho Palos Verdes, Rancho Santa Margarita, Redding, Redondo Beach, Redwood City, Reedley, Richmond, Ridgecrest, Rio Vista, Ripon, Riverbank, Rohnert Park, Rolling Hills, Rolling Hills Estates, Rosemead, Sacramento, Salinas, San Anselmo, San Bruno, San Buenaventura, San Carlos, San Clemente, San Diego, San Dimas, San Fernando, San Gabriel, San Joaquin, San Jose, San Juan Bautista, San Leandro, San Luis Obispo, San Marcos, San Marino, San Mateo, San Pablo, San Rafael, San Ramon, Sand City, Sanger, Santa Ana, Santa Clara, Santa Cruz, Santa Monica, Santa Paula, Santee, Sausalito, Scotts Valley, Seaside, Sebastopol, Selma, Shafter, Shasta Lake, Sierra Madre, Simi Valley, Solana Beach, Sonoma, South El Monte, South Lake Tahoe, South Pasadena, South San Francisco, St. Helena, Stanton, Stockton, Suisun City, Sutter Creek, Taft, Tehachapi, Tehama, Temple City, Thousand Oaks, Tiburon, Torrance, Tracy, Trinidad, Tulare, Turlock, Tustin, Ukiah, Union City, Vacaville, Vallejo, Visalia, Vista, Walnut, Walnut Creek, Wasco, Waterford, Watsonville, Weed, West Covina, West Sacramento, Westminster, Wheatland, Windsor, Winters, Woodlake, Woodland, Woodside, Yorba Linda, Yountville, Yreka, and Yuba City, And The Unincorporated Counties Of Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Imperial, Kern, Kings, Madera, Marin, Mariposa, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Riverside, Sacramento, San Diego, San Joaquin, San Luis Obispo, San Mateo, Santa Cruz, Shasta, Siskiyou, Solano, Sonoma, Tehama, Yolo, and Yuba.

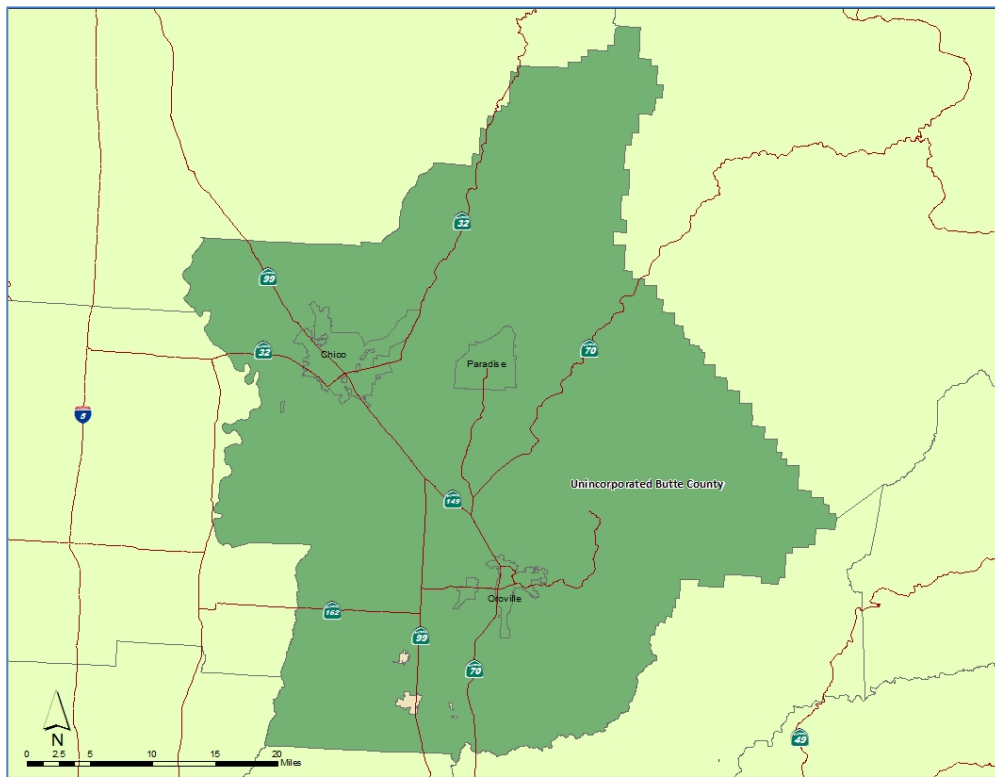
Cities of Albany, Berkeley, Dublin, Fremont, Hayward, Newark, Oakland, Piedmont, San Leandro, Union City, and Alameda County unincorporated areas located in Alameda County, California



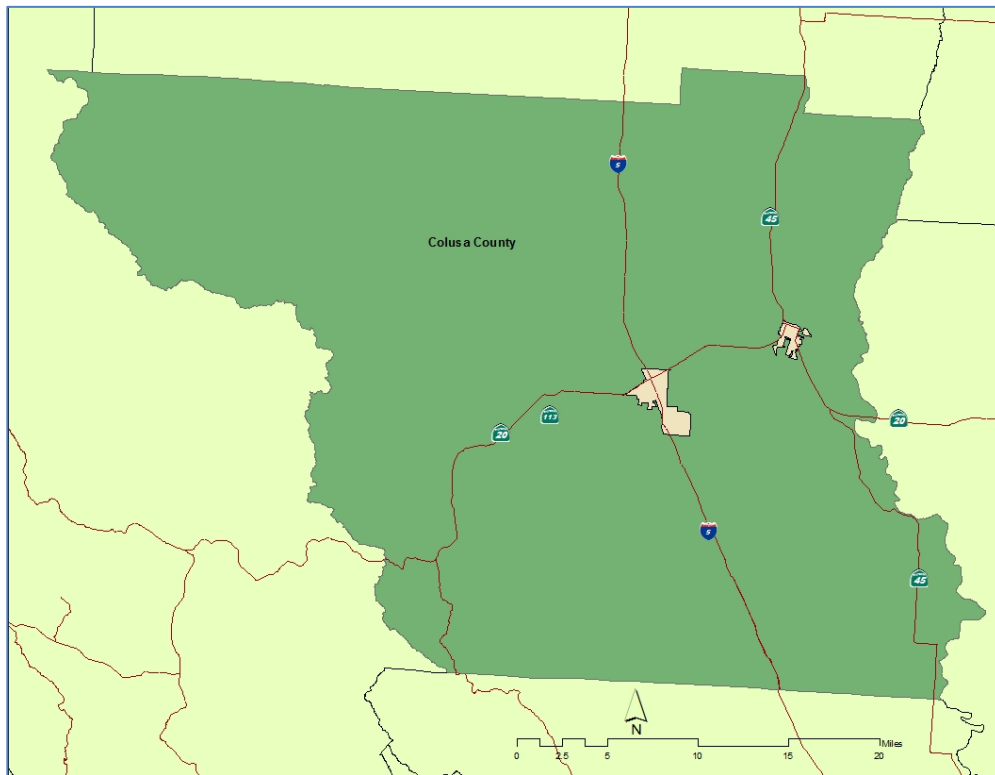
Cities of Amador, Ione, Jackson, Plymouth, and Sutter Creek, in Amador County, California



**Cities of Chico, Paradise, Oroville, and Butte County unincorporated areas, located
in Butte County, California**



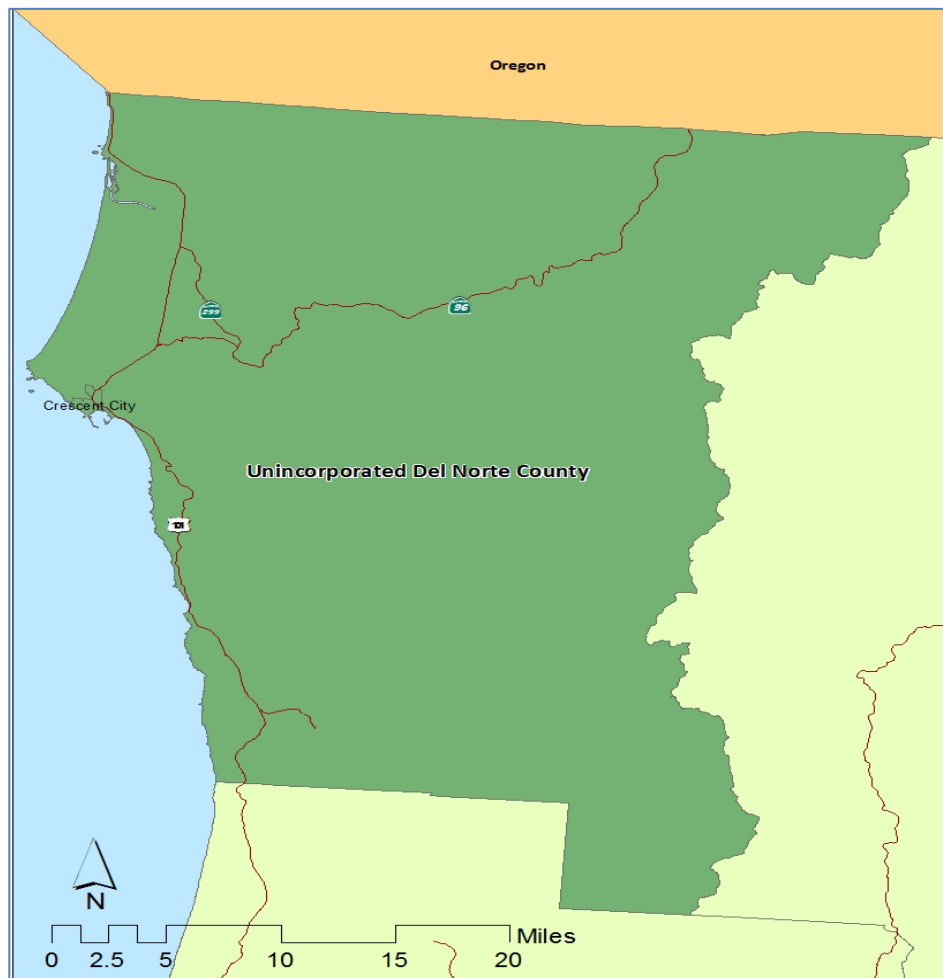
Colusa County unincorporated areas in Colusa County, California



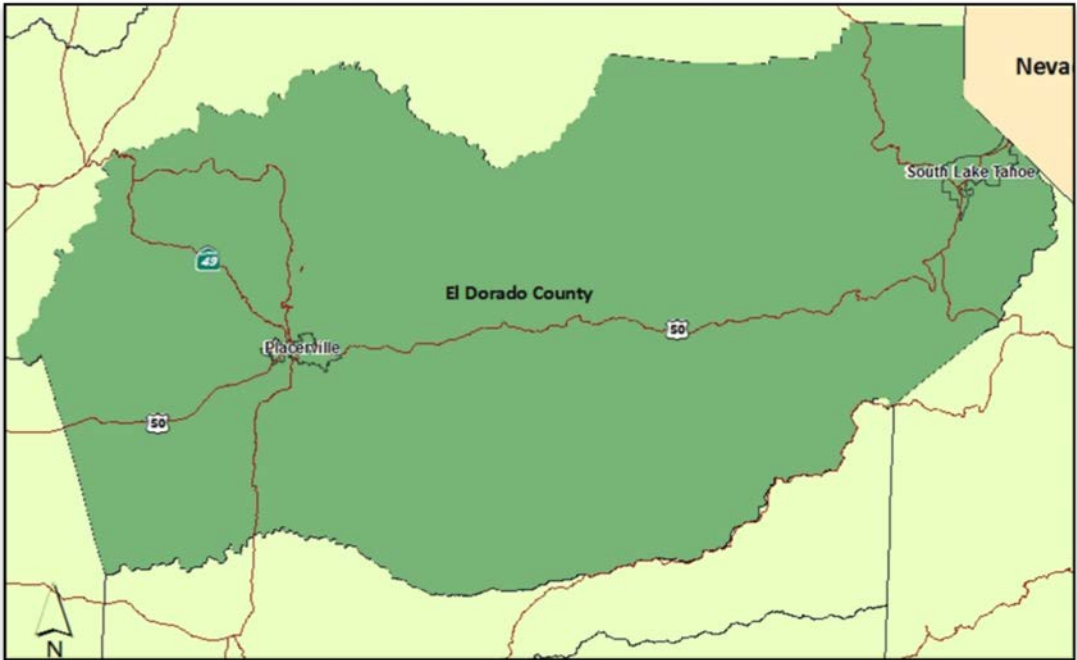
Cities of Antioch, Brentwood, Clayton, Concord, Danville, El Cerrito, Lafayette, Martinez, Town of Moraga, Oakley, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, Walnut Creek, and Contra Costa unincorporated areas, located in Contra Costa County, California



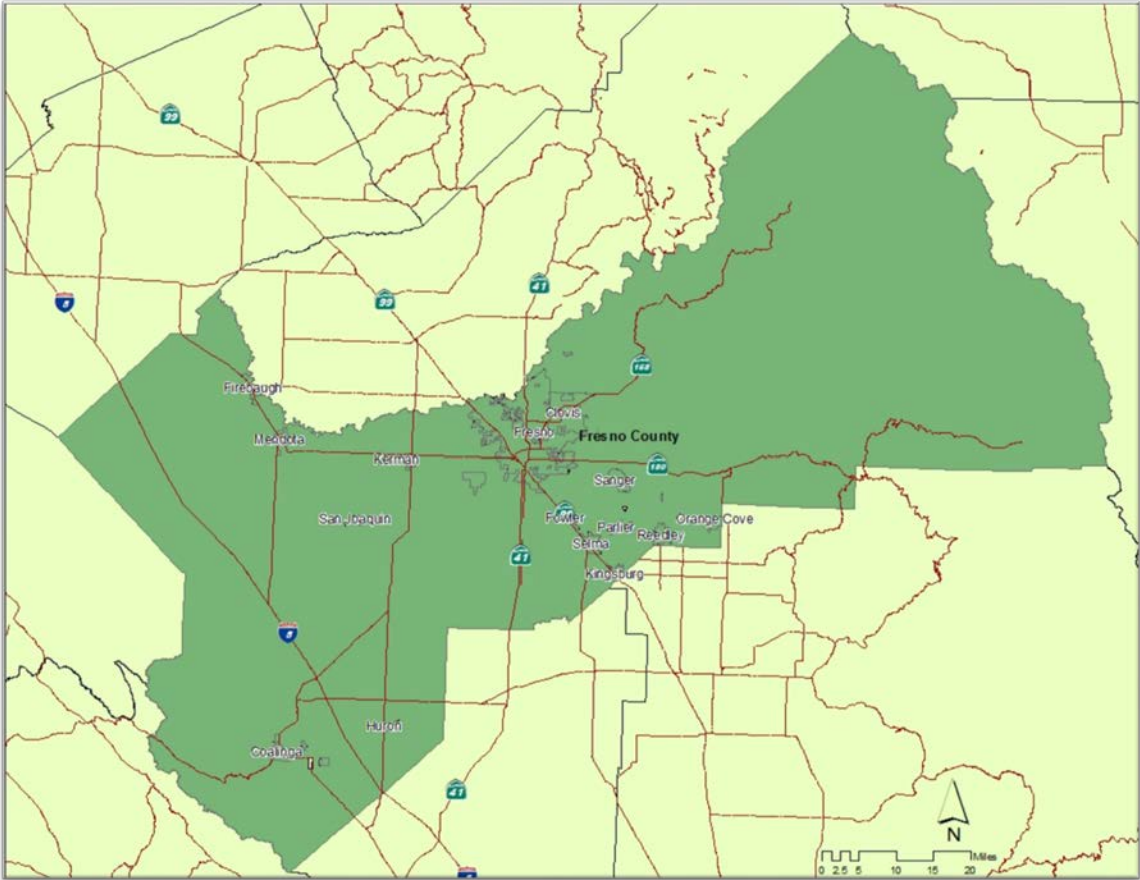
City of Crescent City and County of Del Norte unincorporated areas, located in Del Norte County, California



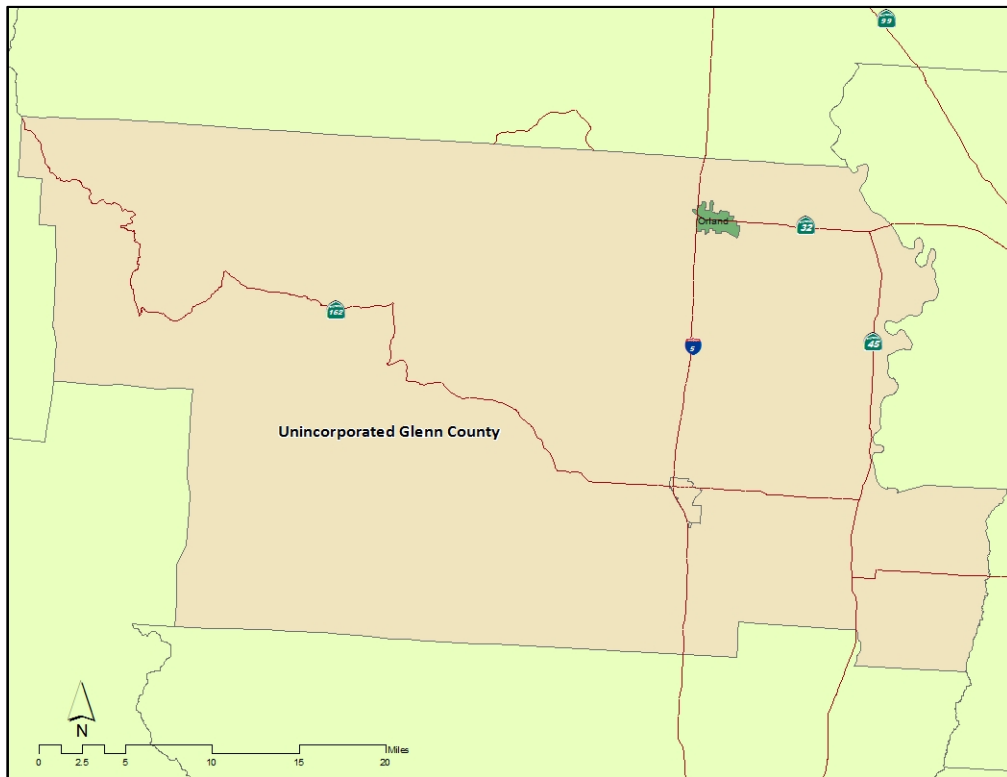
Cities of Placerville and South Lake Tahoe, and El Dorado County Unincorporated areas located in El Dorado County, California



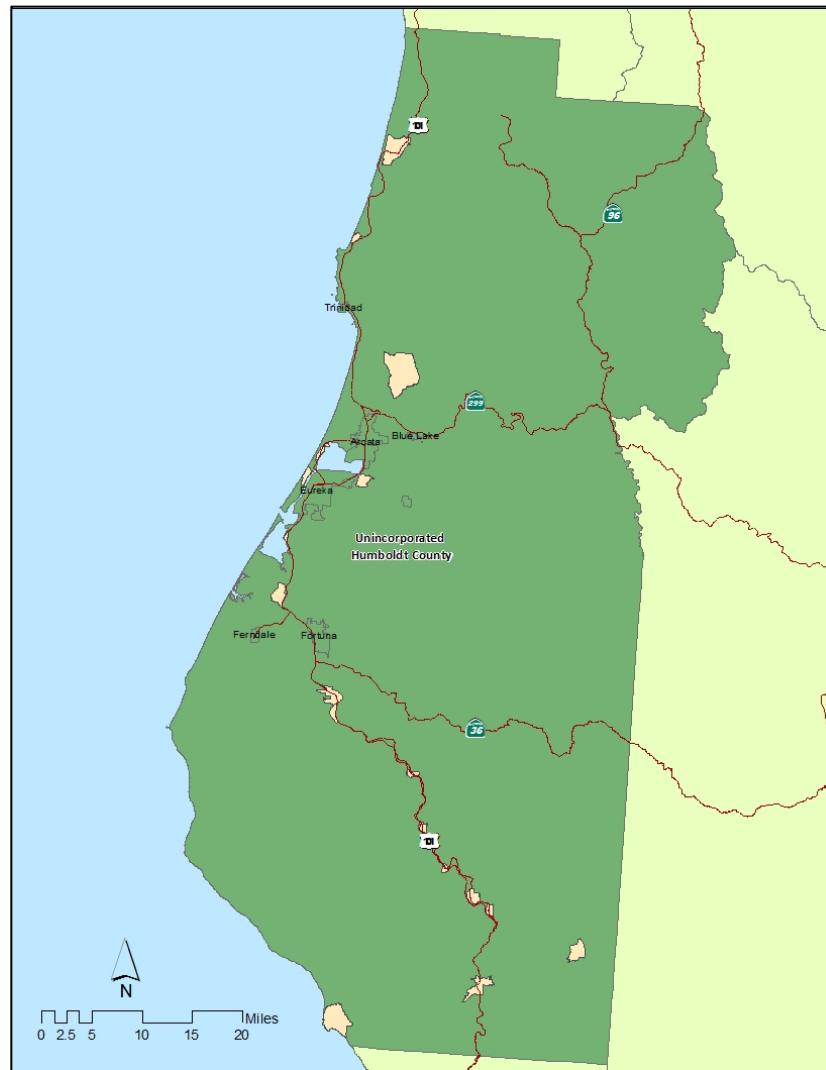
Cities of Clovis, Coalinga, Firebaugh, Fowler, Fresno, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, Sanger, San Joaquin, Selma, and Fresno County unincorporated areas, located in Fresno County, California



City of Orland, located in Glenn County, California



Cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Trinidad, and Humboldt County unincorporated areas, located in Humboldt County, California



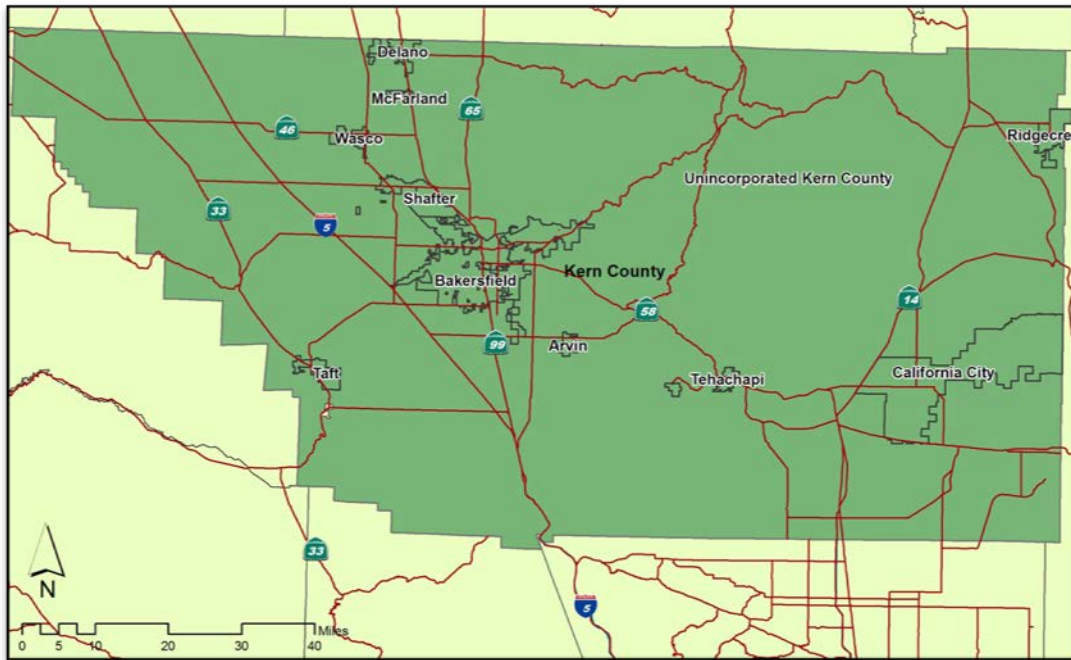
Cities of Brawley, Calexico, Calipatria, El Centro, Holtville, Imperial, and Imperial County unincorporated areas, located in Imperial County, California



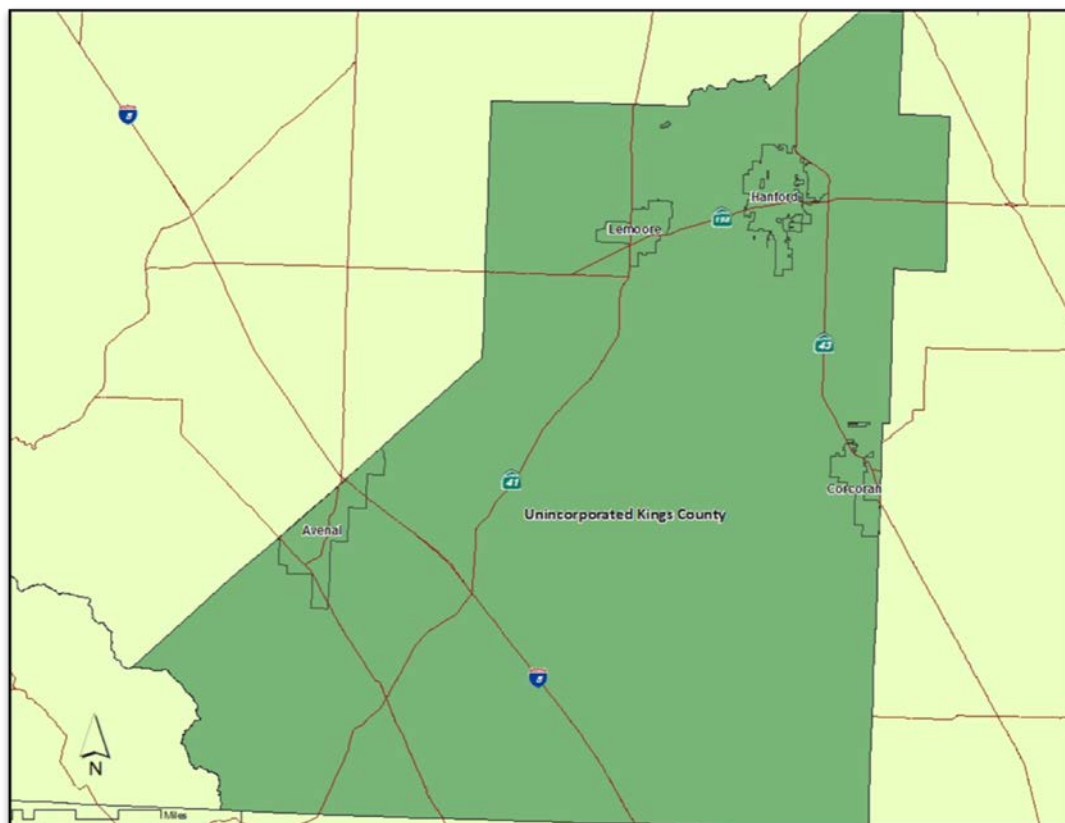
City of Bishop, located in Inyo County, California



Cities of Arvin, Bakersfield, California City, Delano, McFarland, Ridgecrest, Shafter, Taft, Tehachapi, Wasco, and Kern County unincorporated areas, located in Kern County, California



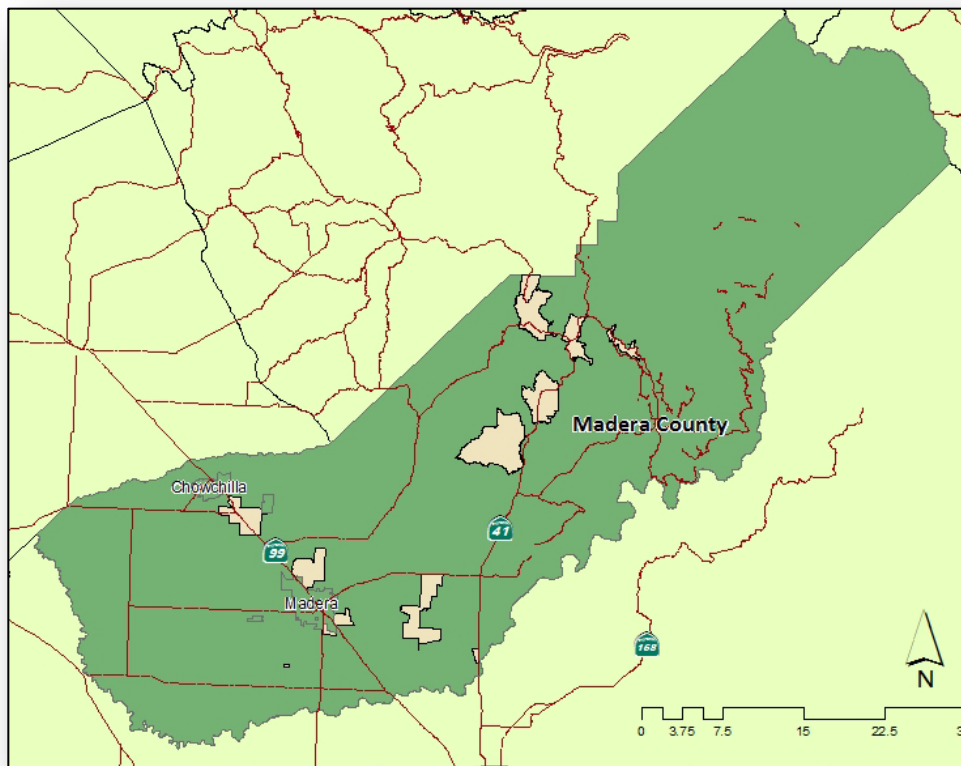
Cities of Avenal, Corcoran, Hanford, Lemoore, and Kings County unincorporated areas, located in Kings County, California



Cities of Alhambra, Arcadia, Avalon (Commercial Only), Azusa, Baldwin Park, Bell Garden (Commercial Only), Bellflower, Bradbury, Calabasas (Commercial Only), Carson, Claremont, Commerce, Covina, Diamond Bar, El Monte, El Segundo, Gardena, Glendora, Hawthorne, Hermosa Beach, Industry, Inglewood, Irwindale, La Canada Flintridge, La Verne, Lancaster, Lawndale, Lomita, Long Beach (Commercial Only), Malibu, Monrovia, Montebello, Monterey Park, Palmdale, Pomona, Redondo Beach, Rolling Hills, Rolling Hills Estates, Rancho Palos Verdes, Rosemead, San Dimas, San Fernando, San Gabriel, San Marino, Santa Monica, Sierra Madre, South El Monte, South Pasadena, Temple City, Torrance, Walnut, and West Covina, located in Los Angeles County, California.



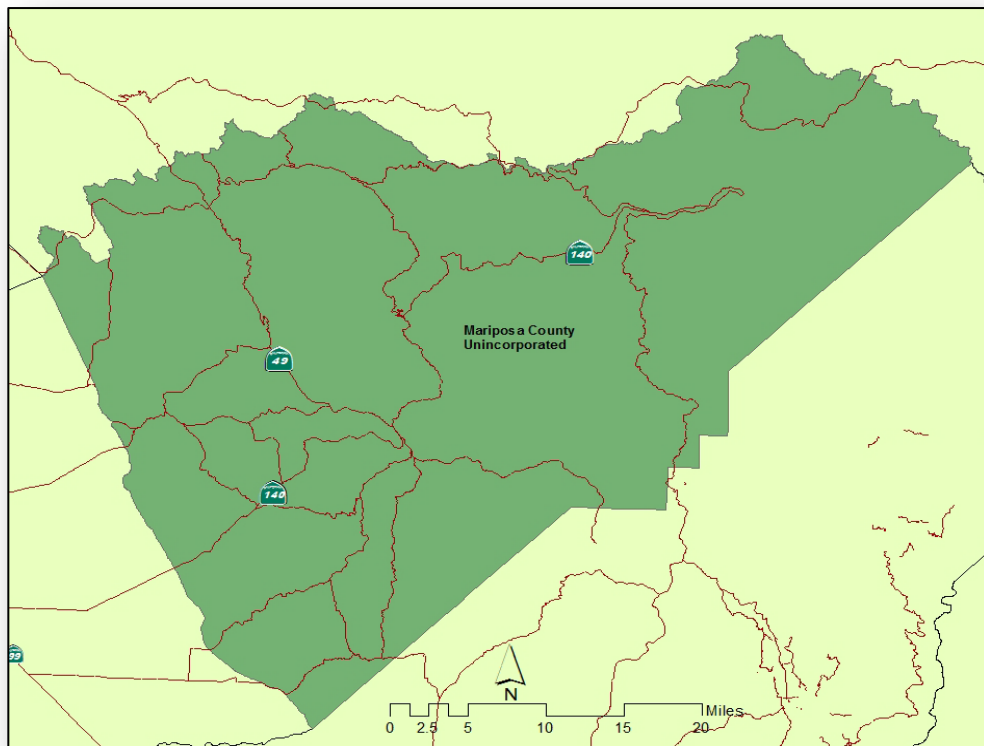
**Cities of Chowchilla, Madera and Madera County unincorporated areas, located in
Madera County, California**



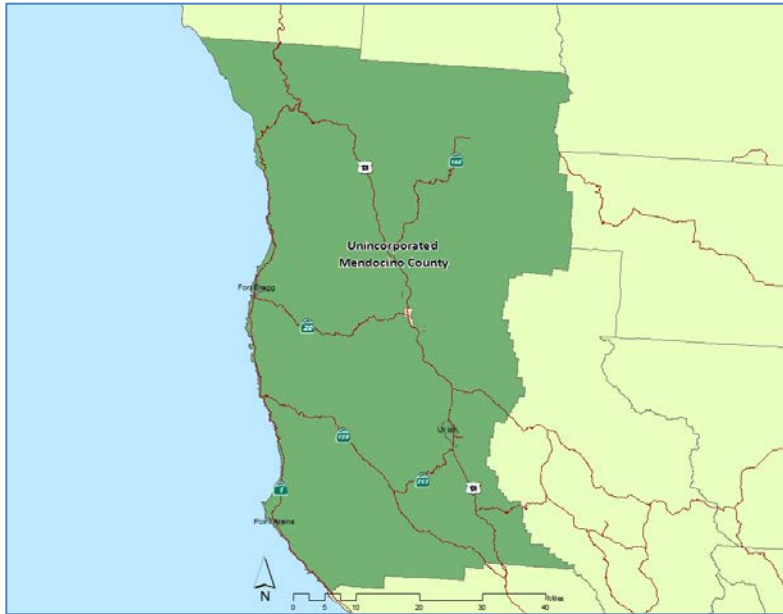
Cities of Belvedere, Larkspur, Mill Valley, Novato, San Anselmo, San Rafael, Sausalito, Tiburon, and County of Marin unincorporated areas, located in Marin County, California



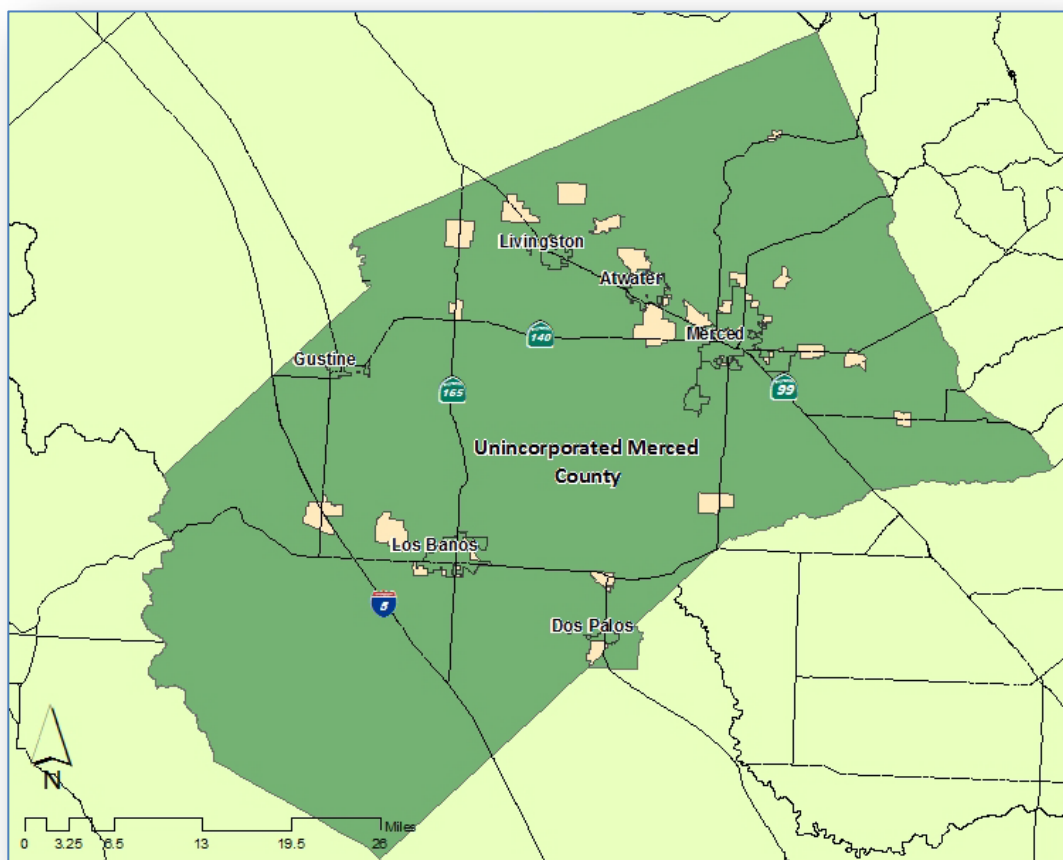
County of Mariposa unincorporated areas, located in Mariposa County, California



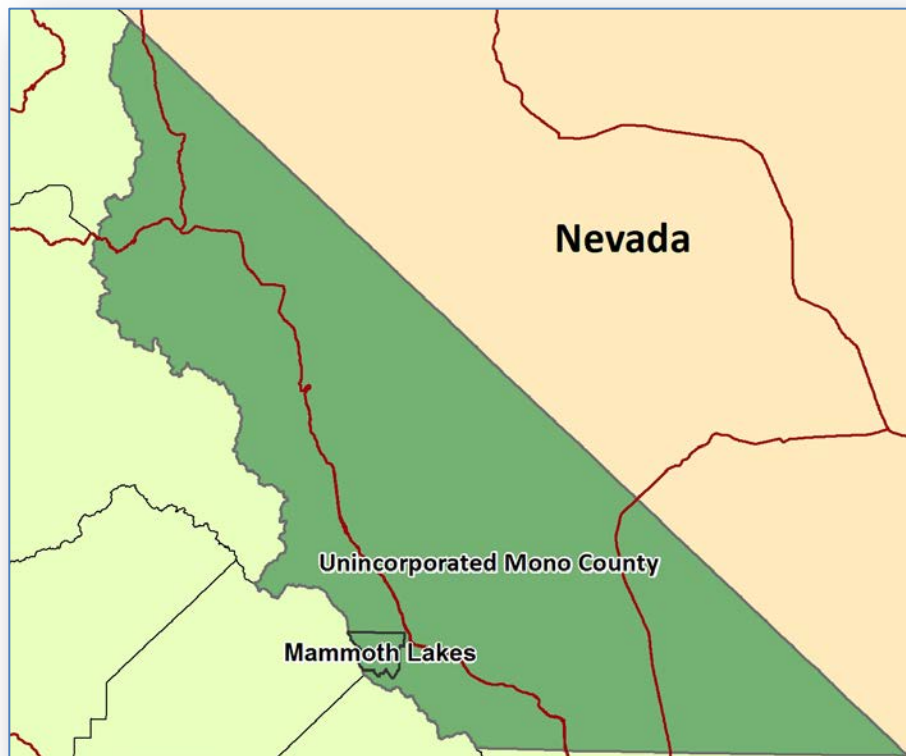
**Cities of Fort Bragg, Point Arena, Ukiah, and Mendocino County
unincorporated areas, located in Mendocino County, California**



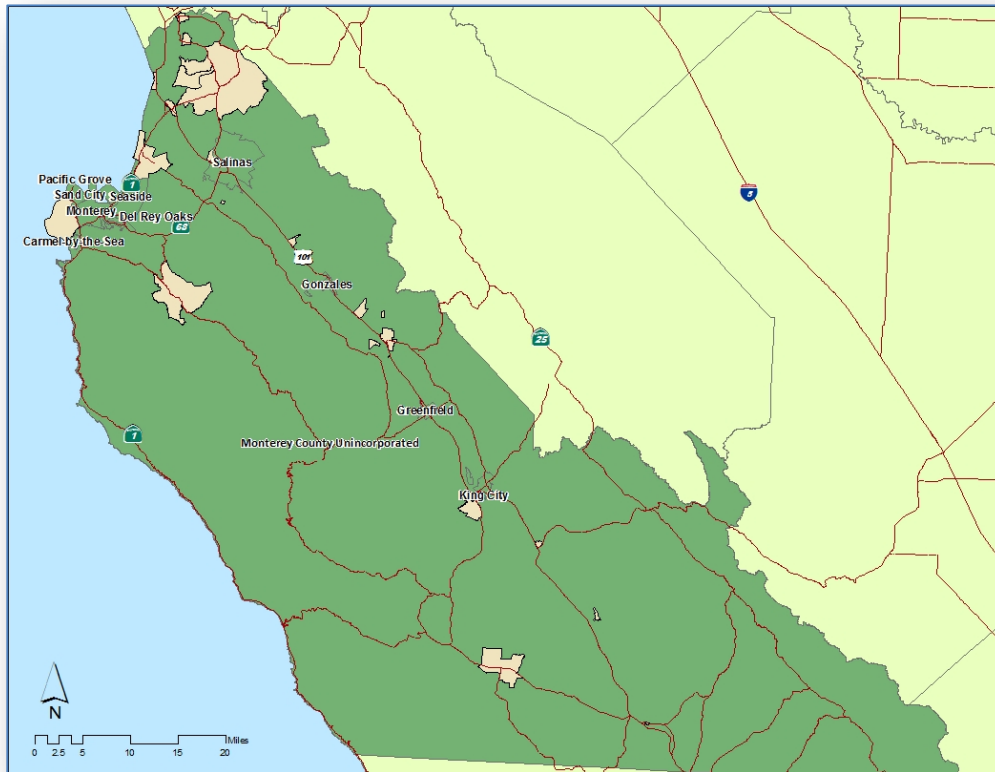
**Cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos, Merced, and Merced
County unincorporated areas, located in Merced County, California**



Town of Mammoth Lakes and Mono County unincorporated areas, located in Mono County, California



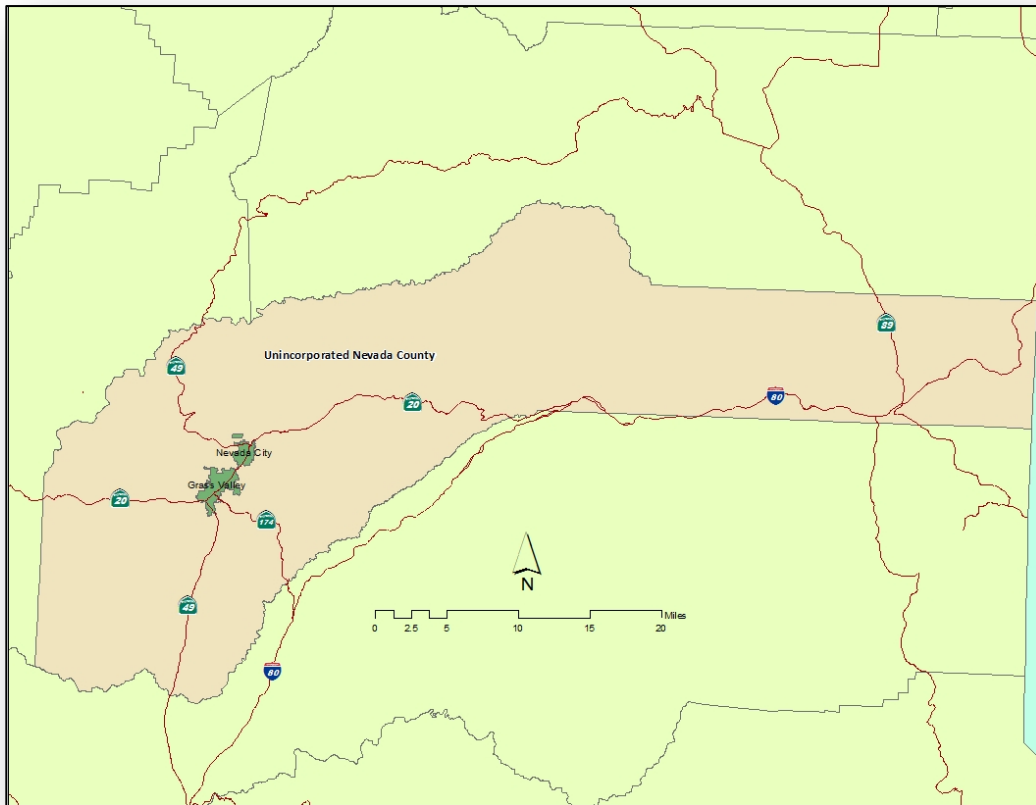
Cities of Carmel-by-the-Sea, Del Rey Oaks, Gonzales, Greenfield, Kings City, Monterey, Pacific Grove, Salinas, Sand City, Seaside, and Monterey County unincorporated areas, located in Monterey County, California



**Cities of American Canyon, Calistoga, Napa St. Helena, Yountville, and the County
of Napa unincorporated areas, located in Napa County, California**



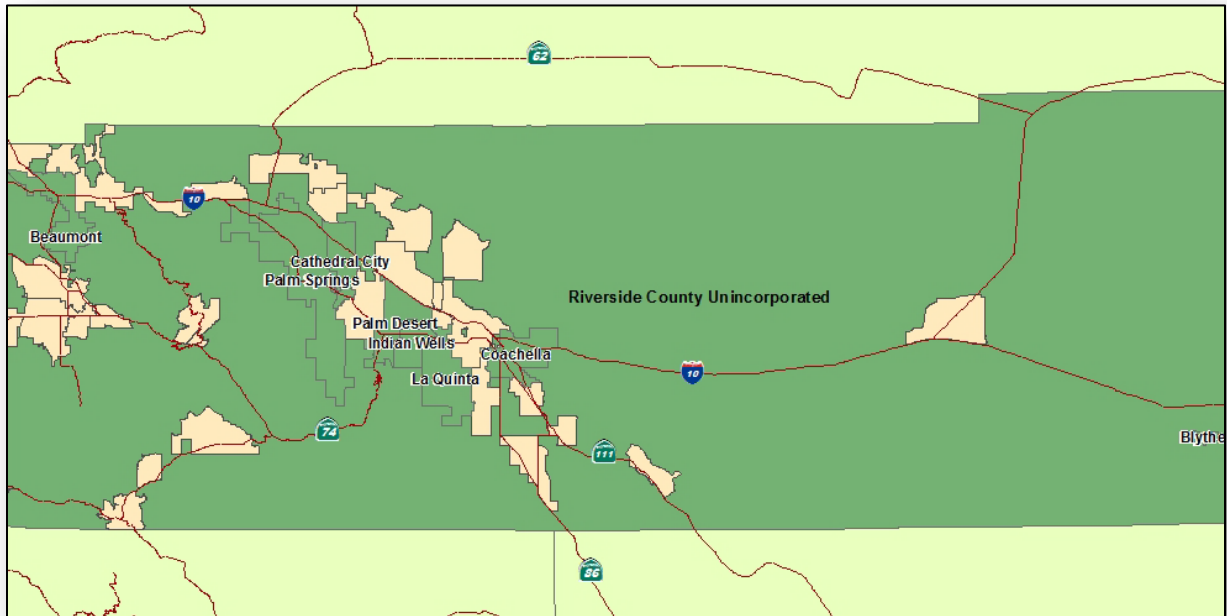
Cities of Grass Valley and Nevada City, located in Nevada County, California



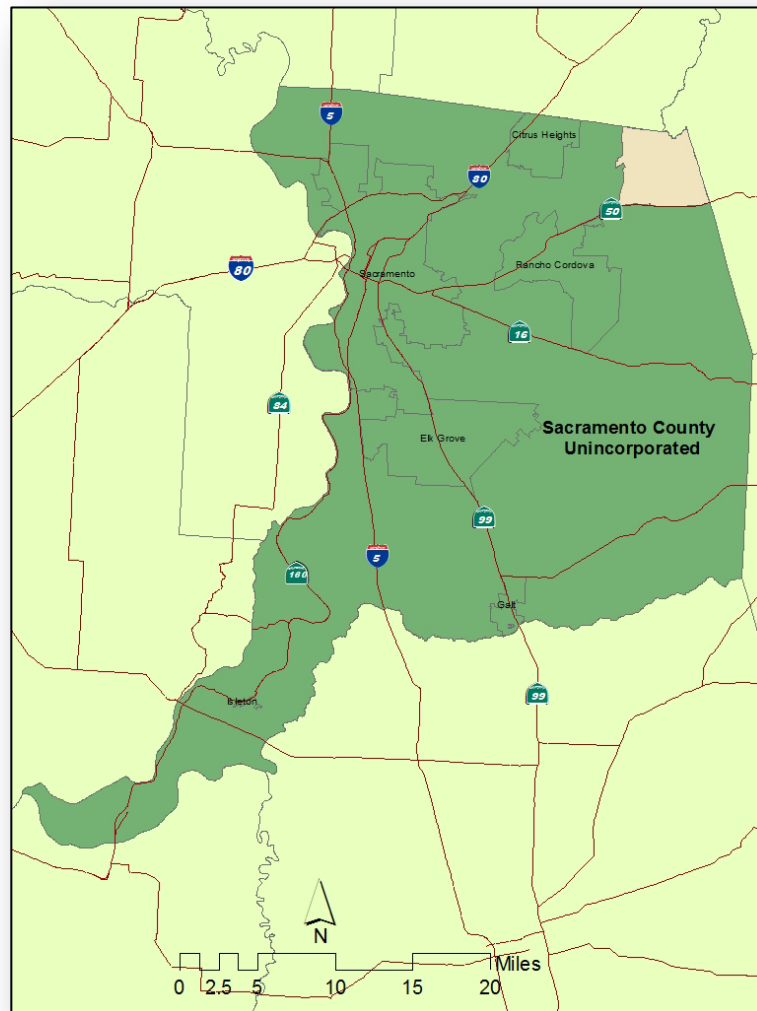
Cities of Aliso Viejo, Anaheim, Brea, Buena Park, Costa Mesa, Cypress, Fountain Valley, Garden Grove, Huntington Beach, La Habra, La Palma, Laguna Beach, Laguna Hills, Lake Forest, Mission Viejo, Newport Beach, Placentia, Rancho Santa Margarita, San Clemente, Santa Ana, Stanton, Tustin, Westminster, and Yorba Linda, located in Orange County, California.



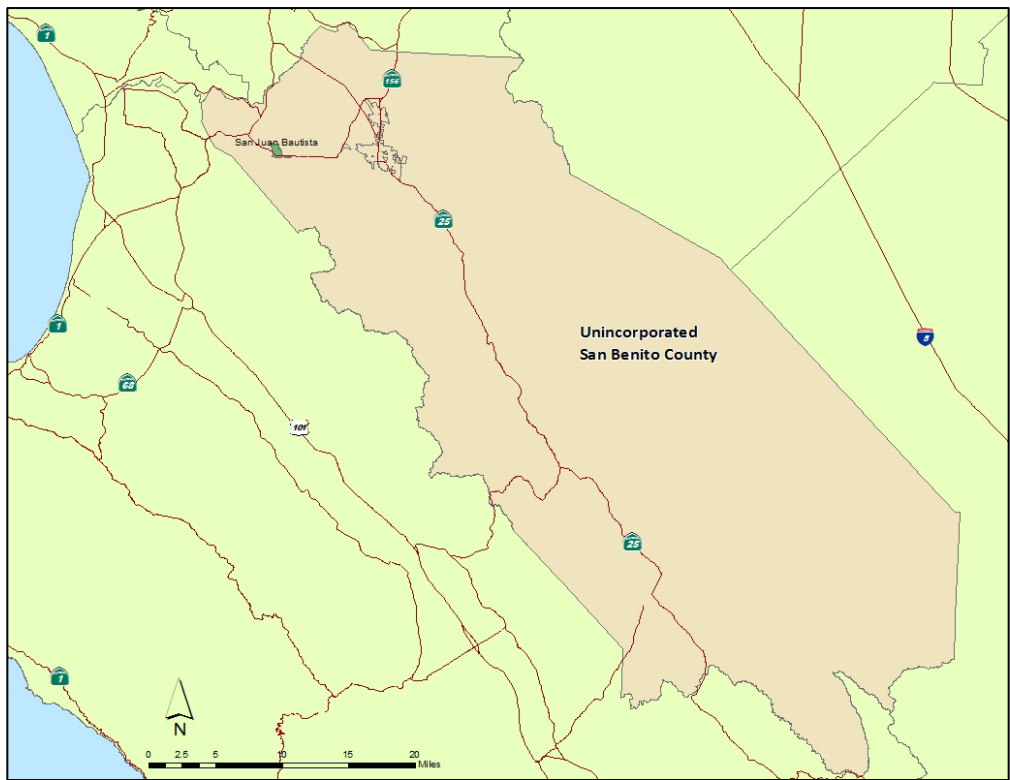
Cities of Beaumont, Blythe, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, Rancho Mirage, and Riverside County unincorporated areas located in Riverside County, California



**Cities of Citrus Heights, Elk Grove, Galt, Isleton, Rancho Cordova, and
Sacramento, and the County of Sacramento unincorporated areas located in
Sacramento County, California**



City of San Juan Bautista, located in San Benito County, California



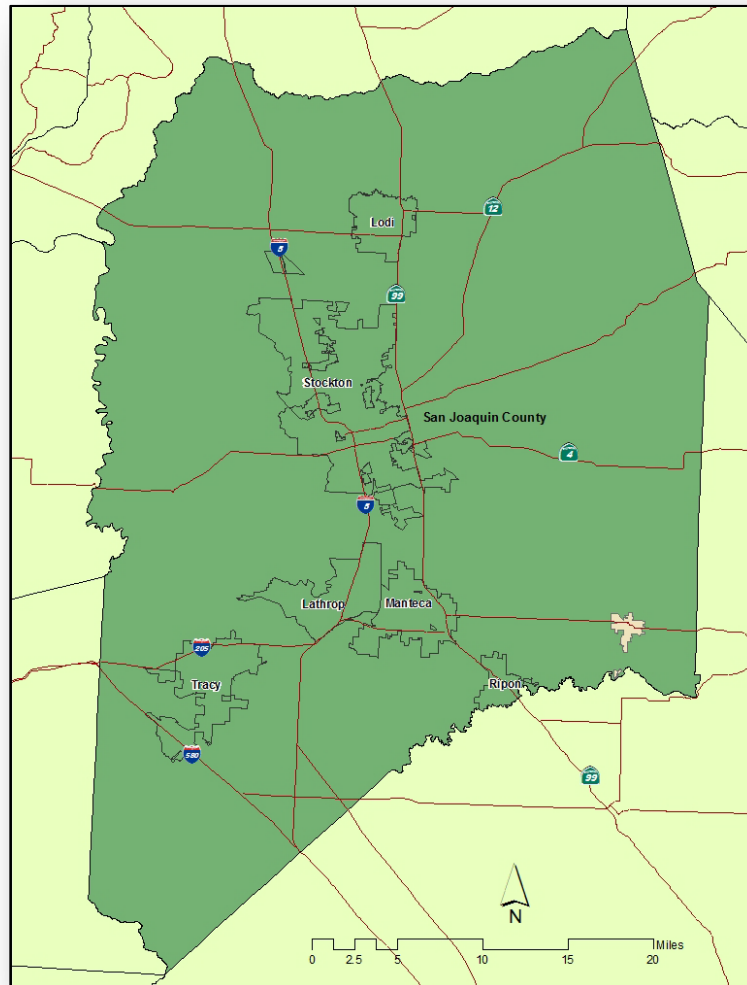
Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, and Vista, San Diego County unincorporated areas, located in San Diego County, California



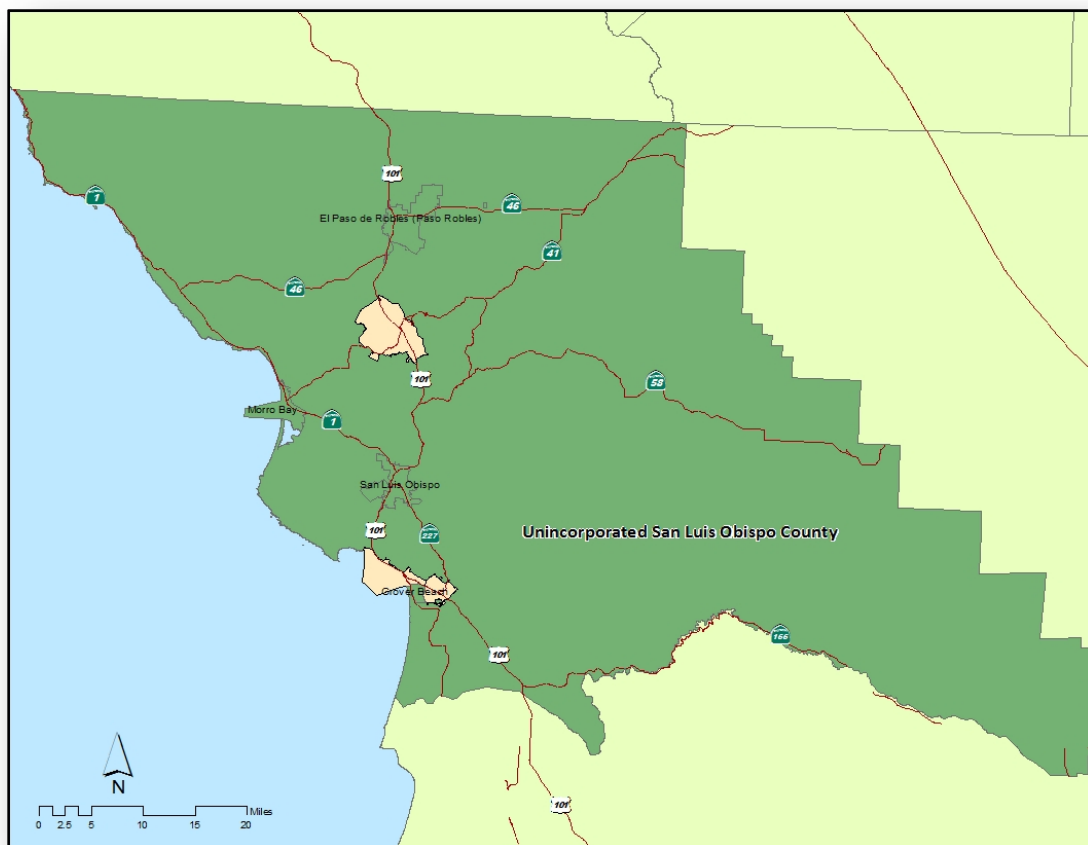
City/County of San Francisco, located in San Francisco County, California



Cities of Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy, and San Joaquin County unincorporated areas, located in San Joaquin County, California



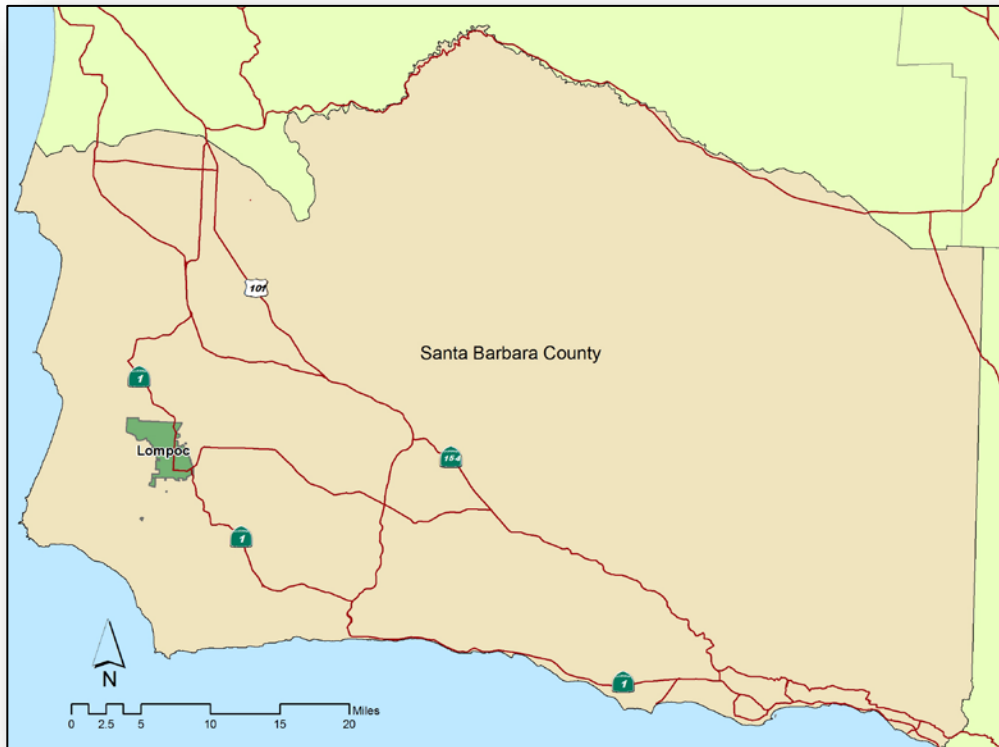
Cities of Grover Beach, Morro Bay, Paso Robles, San Luis Obispo, and San Luis Obispo County unincorporated areas, located in San Luis Obispo County, California



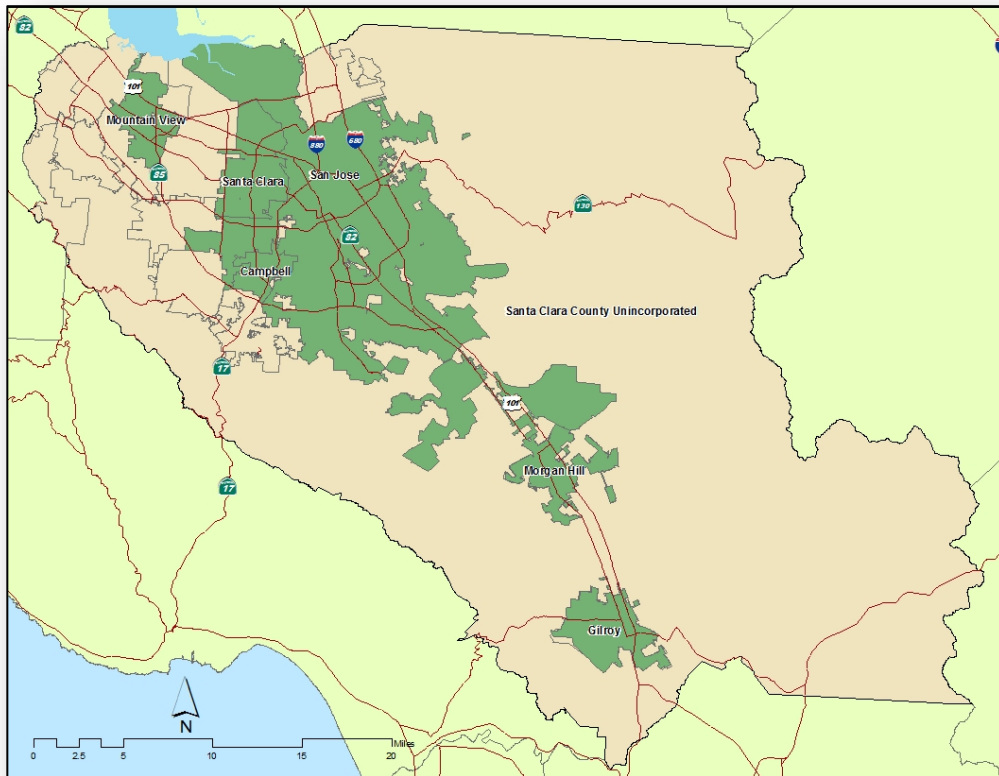
Cities/Towns of Atherton, Belmont, Brisbane, Burlingame, Colma, Daly City, Foster City, Half Moon Bay, Hillsborough, Menlo Park, Millbrae, Pacifica, Portola Valley, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco, and Woodside, and the County of San Mateo unincorporated areas, located in San Mateo County, California



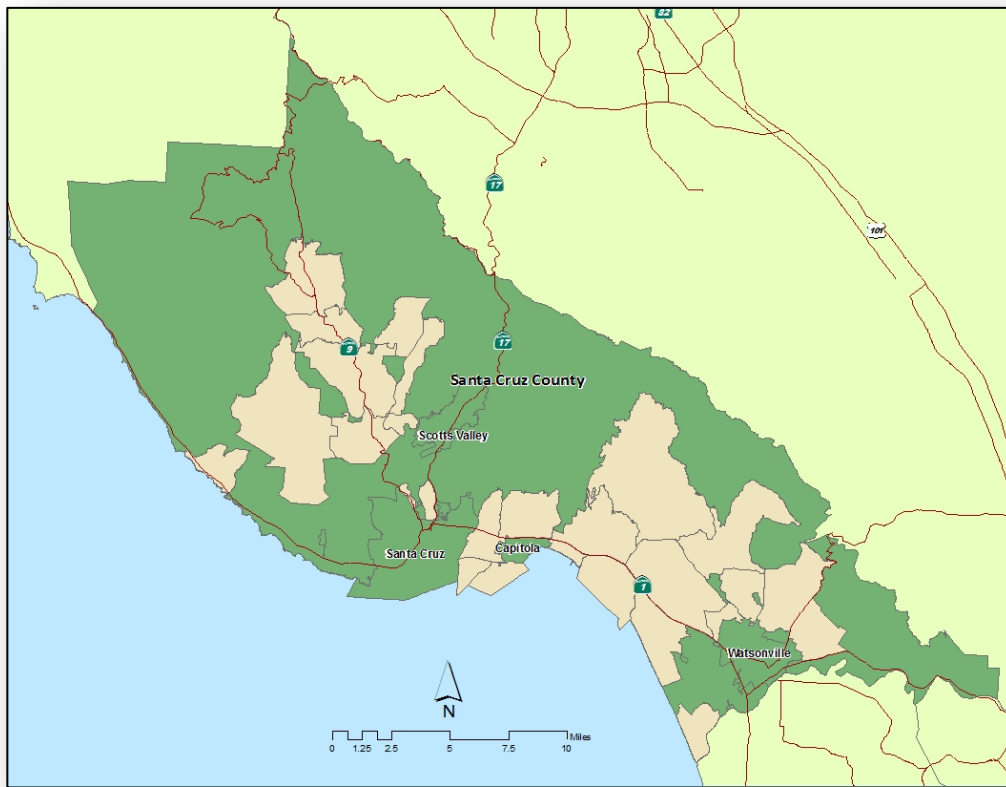
City of Lompoc, located in Santa Barbara County, California



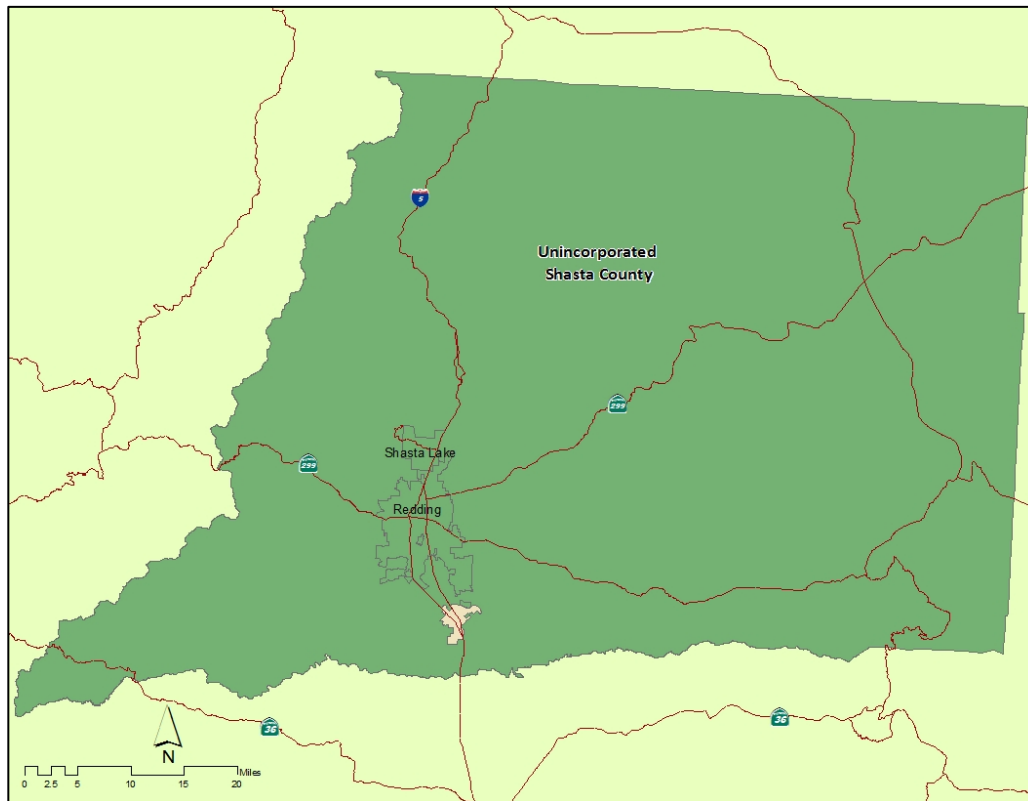
**Cities of Campbell, Gilroy, Morgan Hill, Mountain View, San Jose, and Santa Clara,
located in Santa Clara County, California**



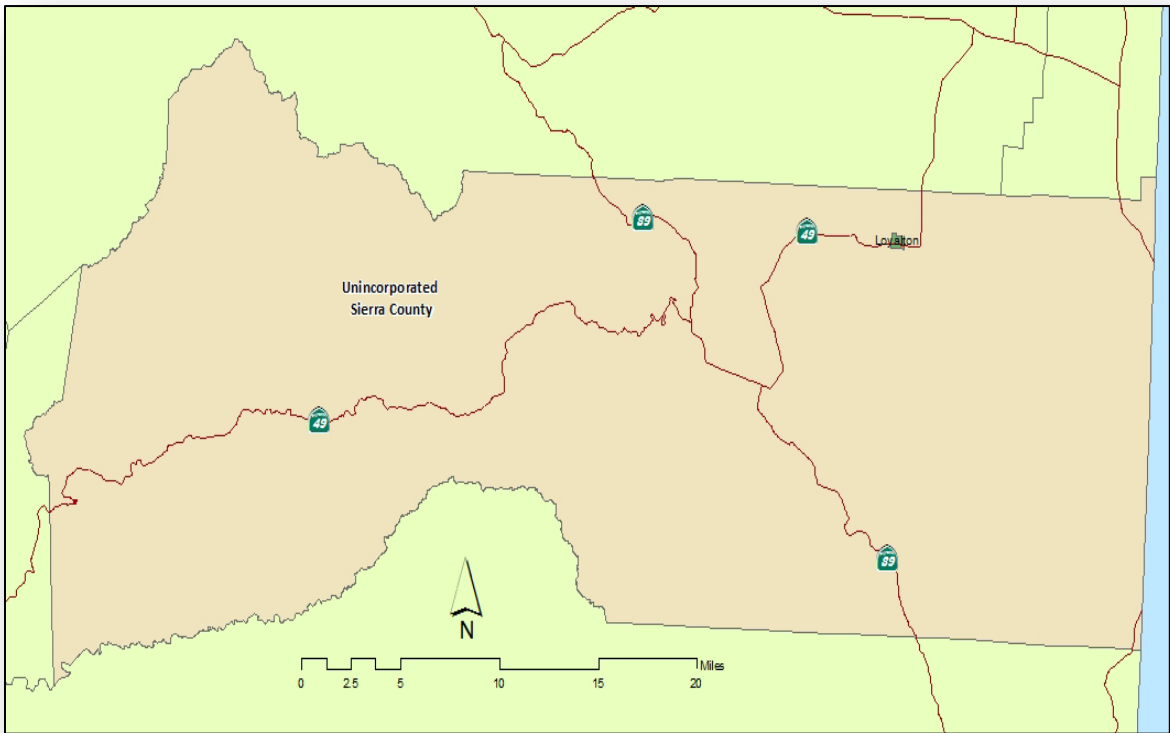
**Cities of Capitola, Santa Cruz, Scotts Valley, Watsonville, and Santa Cruz County
unincorporated areas, located in Santa Cruz County, California**



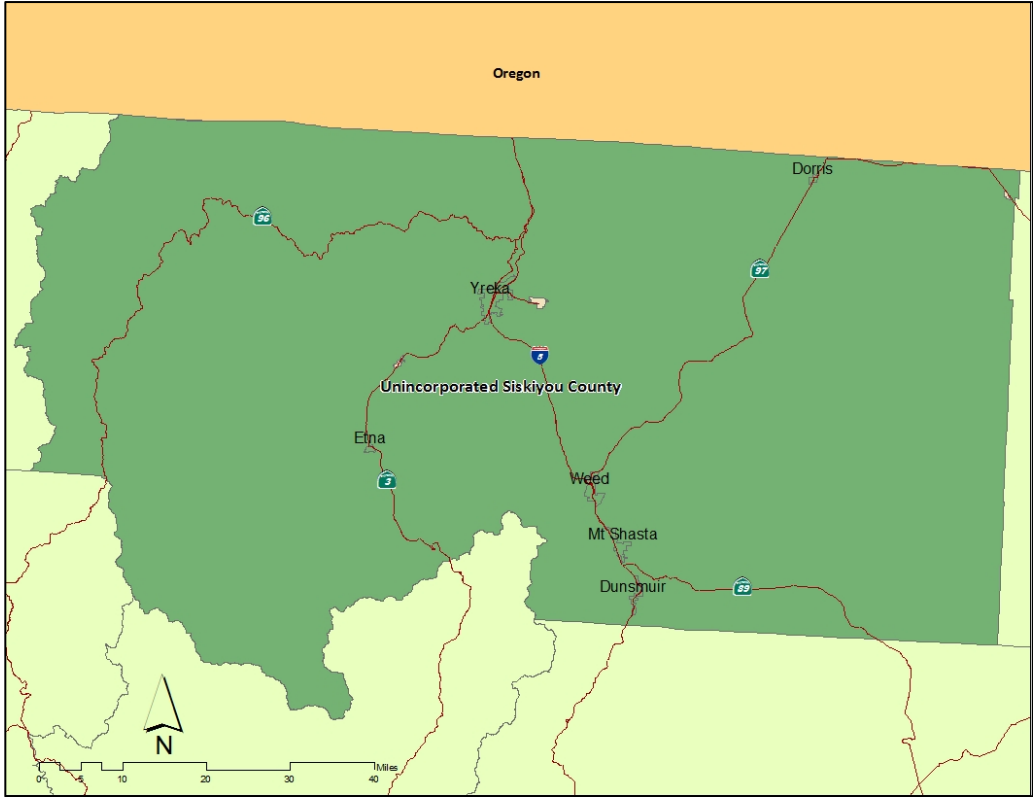
**Cities of Redding, Shasta Lake, and County of Shasta unincorporated areas,
located in Shasta County, California**



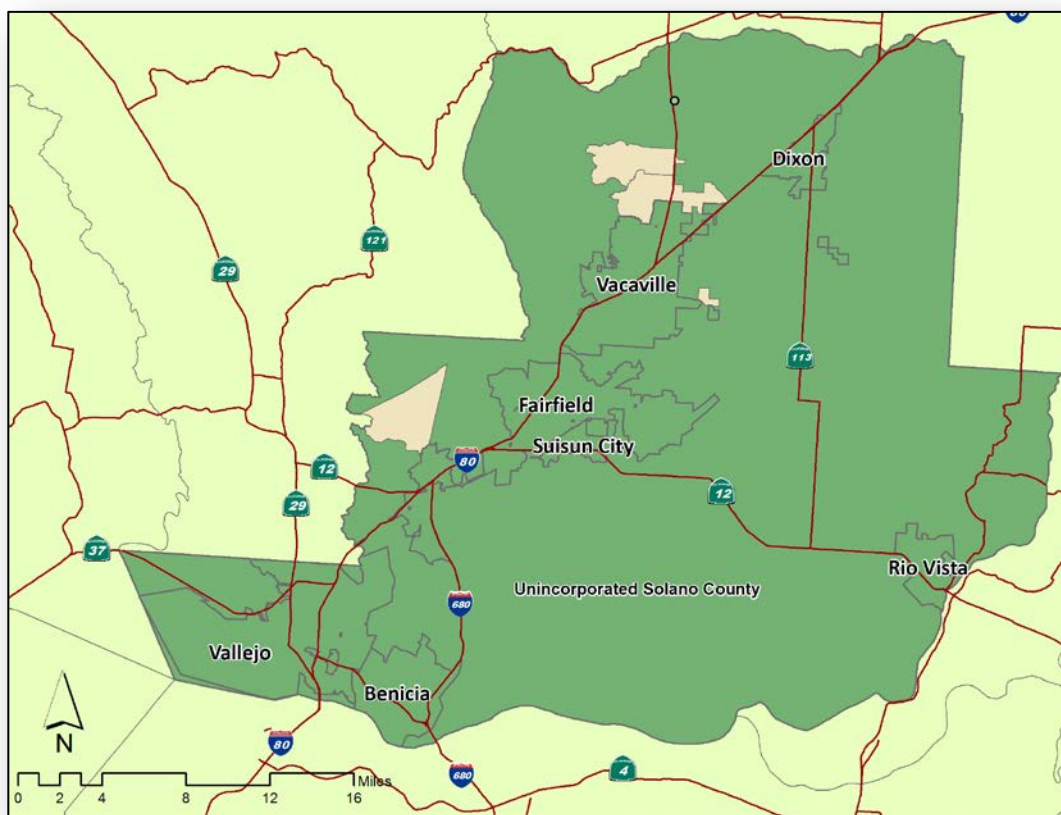
City of Loyalton, located in Sierra County, California



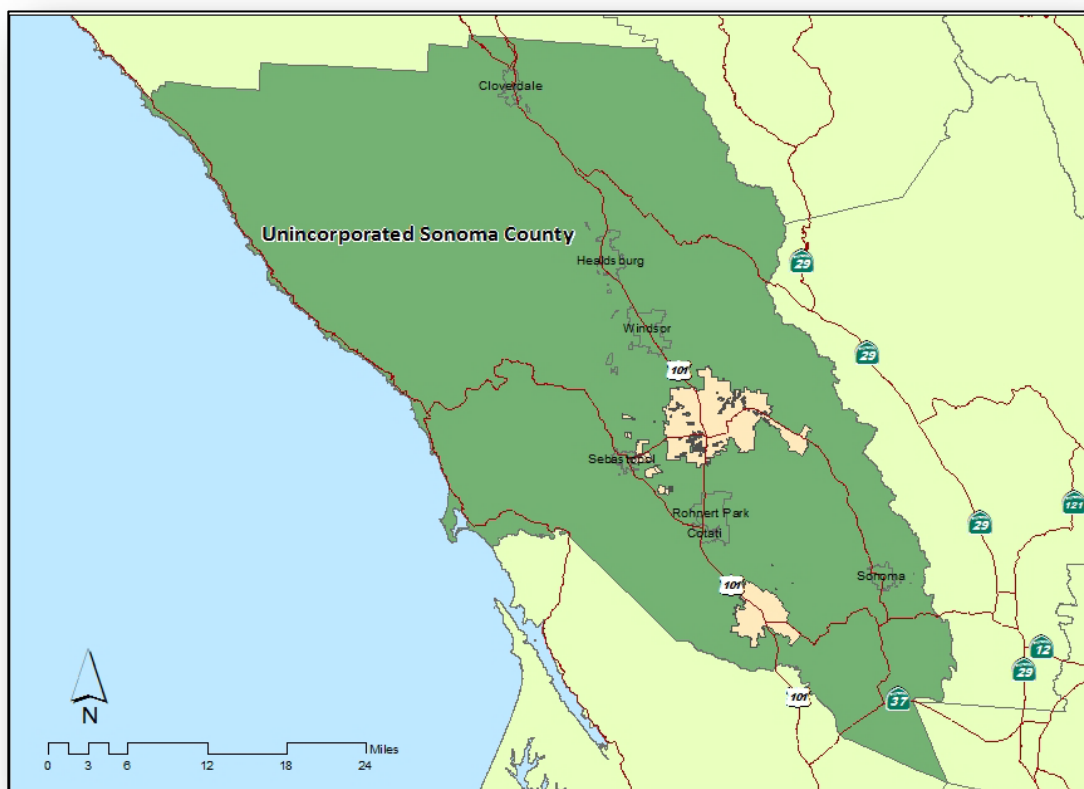
Cities of Dorris, Dunsmuir, Etna, Mount Shasta, Weed, Yreka, and County of Siskiyou unincorporated areas located in Siskiyou County, California



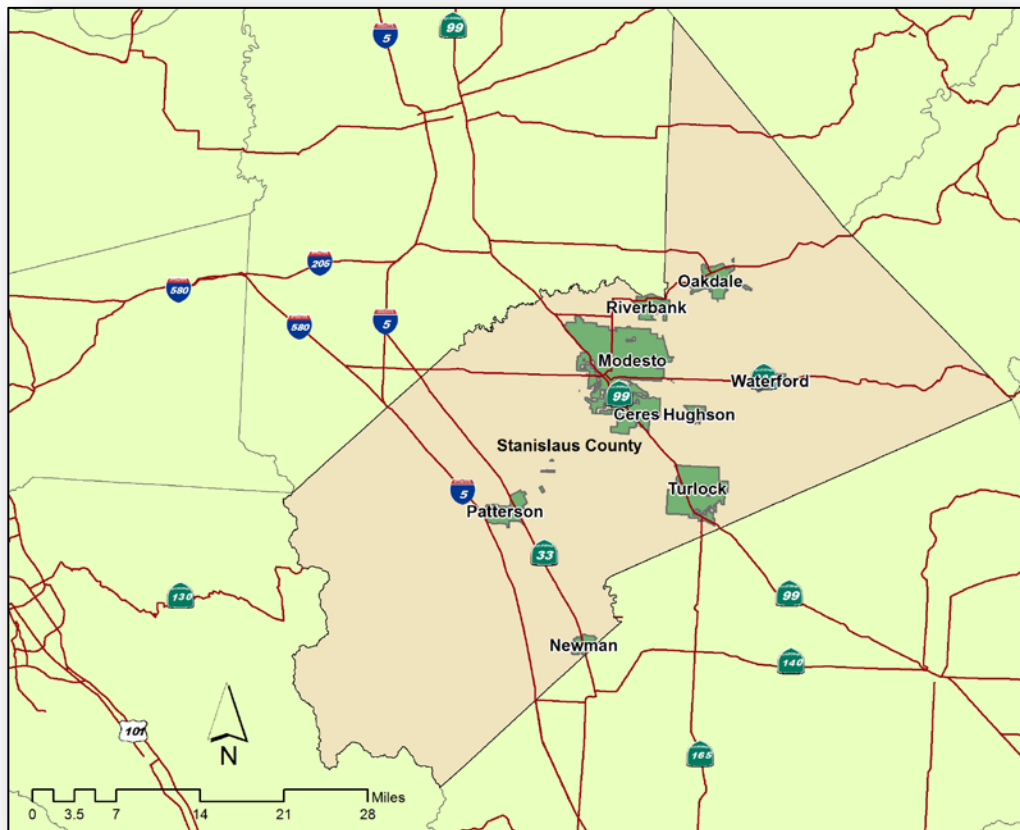
Cities of Benicia, Dixon, Fairfield, Rio Vista, Suisun City, Vacaville, Vallejo, and the Solano County unincorporated areas, located in Solano County, California



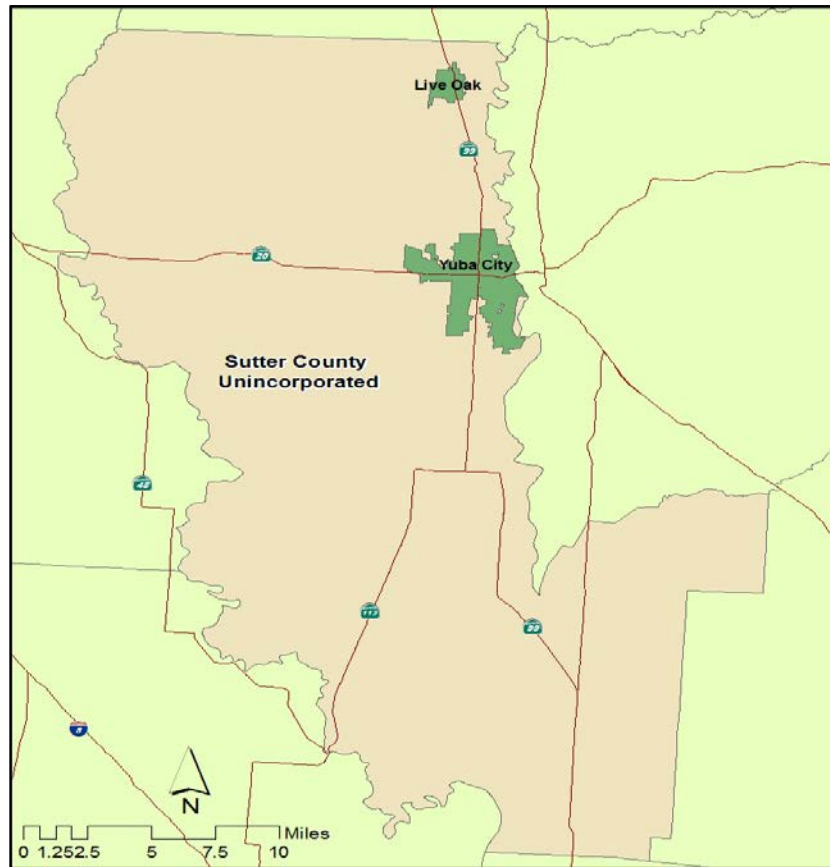
Cities of Cloverdale, Cotati, Healdsburg, Rohnert Park, Sebastopol, Sonoma, Windsor, and Sonoma County unincorporated areas, located in Sonoma County, California



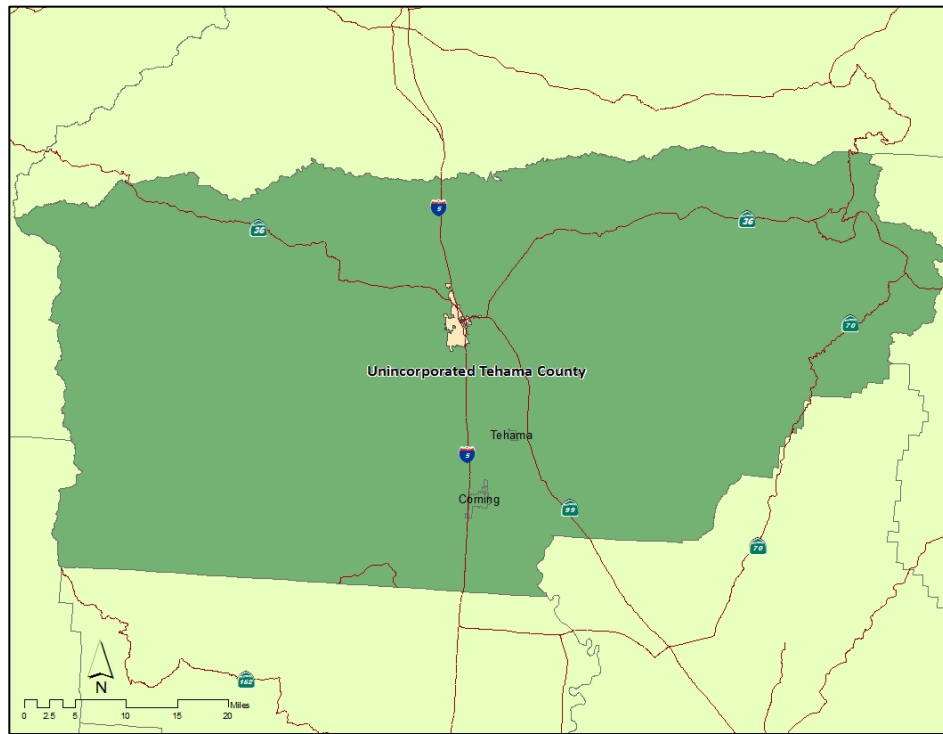
Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford, located in Stanislaus County, California



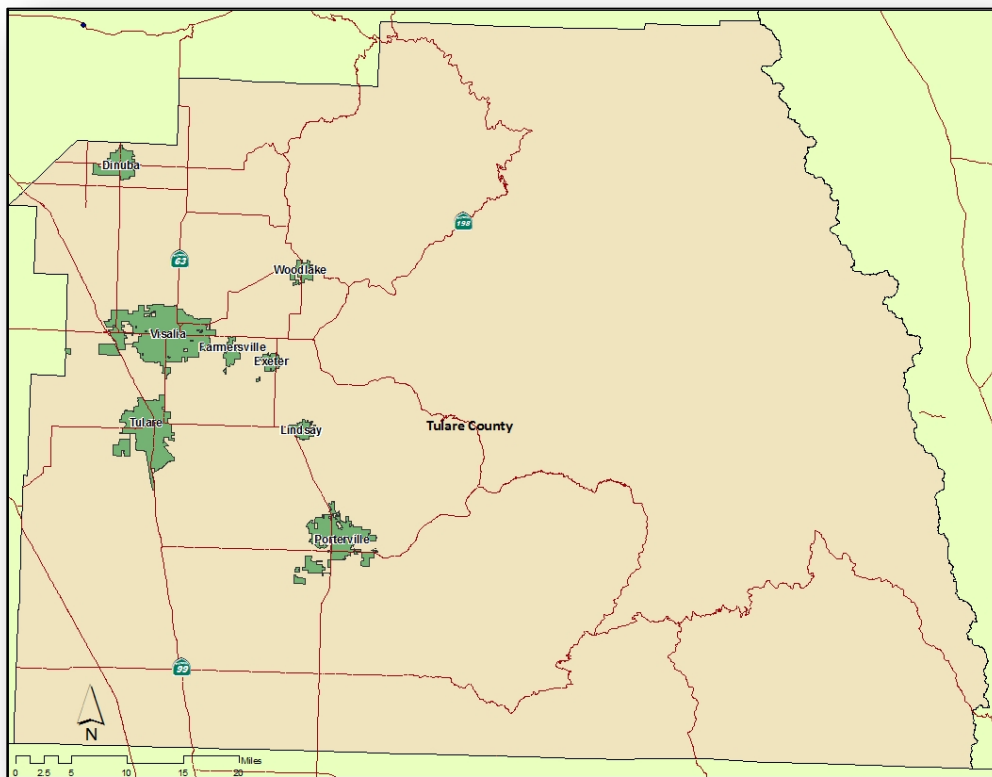
Cities of Live Oak and Yuba City, located in Sutter County, California



Cities of Corning, Tehama, and Tehama County unincorporated areas, located in Tehama County, California



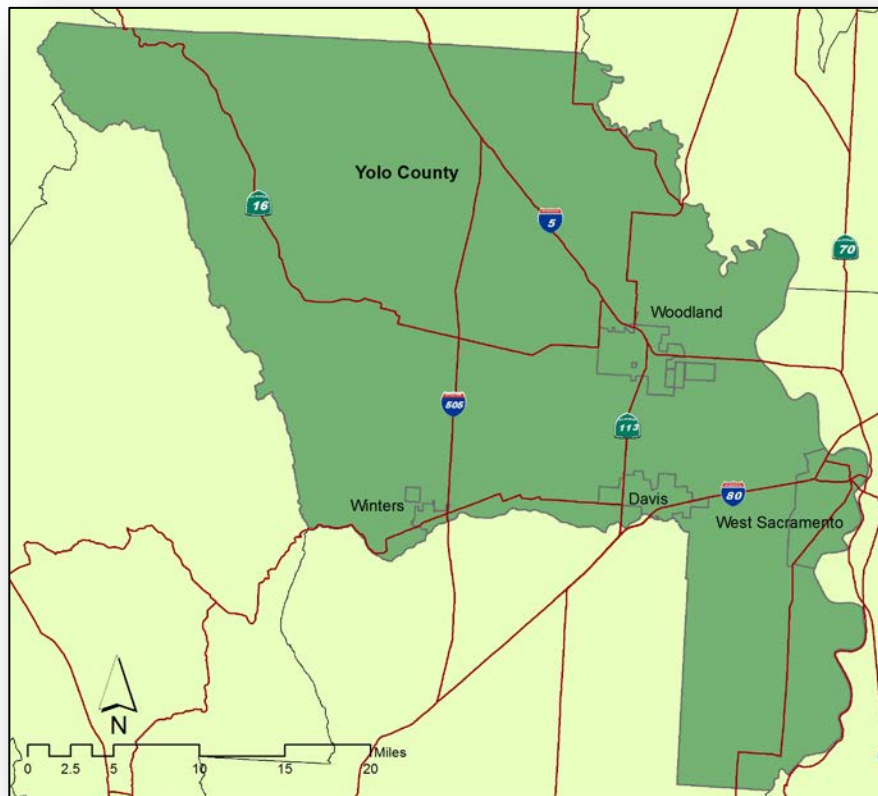
**Cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, and
Woodlake, located in Tulare County, California**



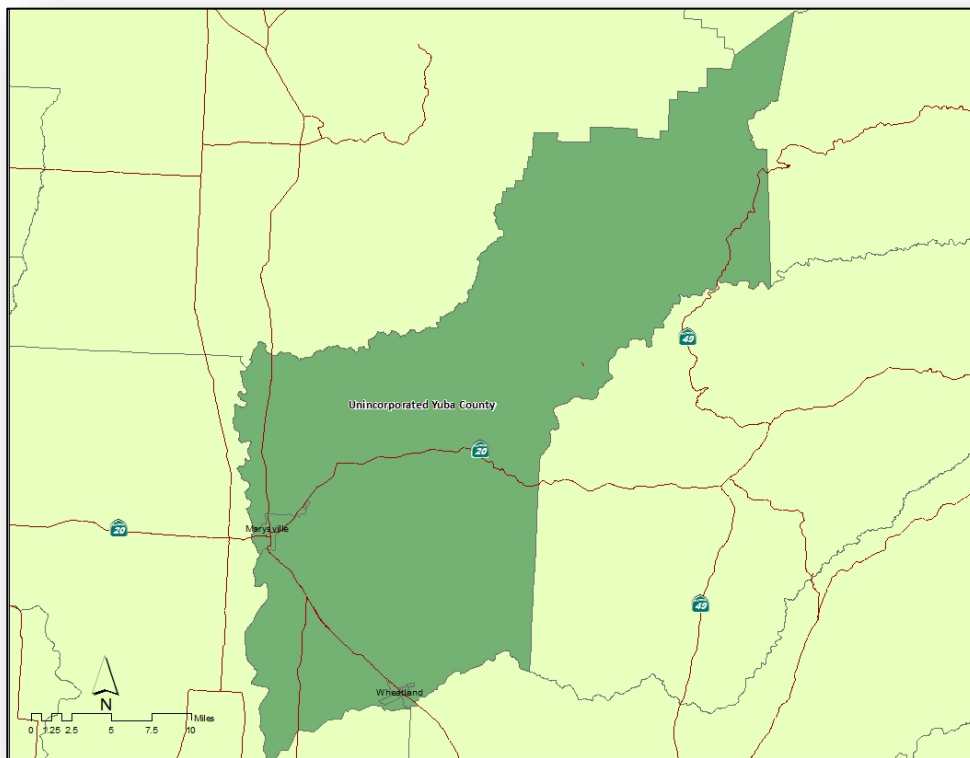
Cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura, Santa Paula, Simi Valley, and Thousand Oaks, located in Ventura County, California



**Cities of Davis, West Sacramento, Winters, Woodland, and Yolo County
unincorporated areas, located in Yolo County, California**



**Cities of Marysville, Wheatland, and Yuba County unincorporated areas,
located in Yuba County, California**



Item 5.A

PACE Program Public Hearing

Attachment 3

WRCOG Resolution Number 15-17;

A Resolution of the Executive Committee of the Western Riverside Council of Governments declaring its intention to modify the California HERO Program Report so as to increase the Program area within which contractual assessments may be offered and setting a Public Hearing thereon

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RESOLUTION NUMBER 15-17

A RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS DECLARING ITS INTENTION TO MODIFY THE CALIFORNIA HERO PROGRAM REPORT SO AS TO INCREASE THE PROGRAM AREA WITHIN WHICH CONTRACTUAL ASSESSMENTS MAY BE OFFERED AND SETTING A PUBLIC HEARING THEREON

WHEREAS, the Executive Committee of the Western Riverside Council of Governments (WRCOG) previously initiated proceedings pursuant to Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code (the "Chapter 29") to permit the provision of Property Assessed Clean Energy (PACE) services within those cities that had taken action to become Associate Members of WRCOG as of the date of the initiation of such proceedings and did, by the adoption of its Resolution Number 10-13 on June 3, 2013, (the "Resolution Confirming the Program Report"), approve a report (the "Program Report") addressing all of the matters set forth in Section 5898.22 and 5898.23 of Chapter 29 and establish and order the implementation of a voluntary contractual assessment program to be known as the "California HERO Program" (the "Program") to assist property owners within the jurisdictional boundaries of such Associate Members with the cost of installing distributed generation renewable energy sources, energy and water efficient improvements and electric vehicle charging infrastructure that are permanently fixed to their properties ("Authorized Improvements"); and

WHEREAS, in approving the Program Report, the Executive Committee also established the jurisdictional boundaries of such Associate Members as the initial territory within which voluntary contractual assessments may be offered (the "Program Area") to provide for financing of the installation of Authorized Improvements on properties within such Program Area; and

WHEREAS, subsequent to the establishment of the Program, the Executive Committee has undertaken proceedings pursuant to Chapter 29 to expand the Program Area within which contractual assessments may be offered to include the jurisdictions of certain counties and additional cities that had taken action to become Associate Members of WRCOG since the establishment of the Program; and

WHEREAS, now the legislative bodies of the Counties of Amador and Glenn Unincorporated areas, have taken action to become Associate Members of WRCOG and thereby enable the Executive Committee to consider modifying the Program Report by increasing the Program Area to include the jurisdictions of such Additional Associate Members so as to enable voluntary contractual assessments to be offered pursuant to the Program to the owners of properties within such jurisdictions to finance the installation of Authorized Improvements on such properties; and

WHEREAS, the Executive Committee desires to initiate proceedings pursuant to Chapter 29 to modify the Program Report to include the jurisdictions of the Counties of Amador and Glenn Unincorporated areas, (the "Additional Associate Members") in the Program Area.

NOW, THEREFORE, BE IT RESOLVED by the Executive Committee of the Western Riverside Council of Governments as follows:

Section 1. The Executive Committee declares its intention to remove the Counties as Association Members and modify the Program Report so as to modify the Program Area within which contractual assessments may be offered pursuant to the California HERO Program to include the jurisdictions of the Additional Associate Members.

Section 2. Public Hearing. Pursuant to Chapter 29, the Executive Committee hereby orders that a public hearing to be held before the Executive Committee in the First Floor Board Chambers, County of Riverside Administration Center, 4080 Lemon Street, Riverside, California, at 2:00 p.m. on June 23, 2017, on the proposed modification to the Program Report to increase the Program Area. At the public hearing all interested persons may appear and hear and be heard and object to or inquire about the proposed modifications to the Program Report to increase the Program Area.

Section 3. Notice of Public Hearing. The Secretary of the Executive Committee is hereby directed to provide notice of the public hearing by publishing such notice once a week for two weeks, pursuant to Section 6066 of the California Government Code, and the first publication shall occur not later than 20 days before the date of such hearing in a newspaper of general circulation published within the jurisdiction of each of the Additional Associate Members or, if there is no such newspaper of general circulation published within any such jurisdiction of any such Additional Associate Member, then in a newspaper of general circulation published nearest thereto.

Section 4. Effective Date of Resolution. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Executive Committee of the Western Riverside Council of Governments held on June 5, 2017.

Ben Benoit, Chair
WRCOG Executive Committee

Rick Bishop, Secretary
WRCOG Executive Committee

Approved as to form:

Best Best & Krieger, LLP
WRCOG Bond Counsel

AYES: _____ NOES: _____ ABSENT: _____ ABSTAIN: _____



Western Riverside Council of Governments Executive Committee

Staff Report

Subject: Report from the League of California Cities

Contact: Erin Sasse, Regional Public Affairs Manager, League of California Cities,
esasse@cacities.org, (951) 321-0771

Date: June 5, 2017

The purpose of this item is to inform the Committee of activities undertaken by the League of California Cities.

Requested Action:

1. Receive and file.

This item is reserved for a presentation from the League of California Cities Regional Public Affairs Manager for Riverside County.

Prior Action:

May 18, 2017: The Technical Advisory Committee received report.

Fiscal Impact:

This item is informational only; therefore, there is no fiscal impact.

Attachment:

None.

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Western Riverside Council of Governments Executive Committee

Staff Report

Subject: Transportation Uniform Mitigation Fee (TUMF) Program Nexus Study Update

Contact: Christopher Gray, Director of Transportation, gray@wrcog.coq.ca.us, (951) 955-8304

Date: June 5, 2017

The purpose of this item is to provide Committee members with an update on the progress of the TUMF Nexus Study update, including the response to comments received during the comment period.

Requested Action:

1. Discuss and provide input regarding comments on the draft Nexus Study.

WRCOG's TUMF Program is a regional fee program designed to provide transportation and transit infrastructure that mitigates the impact of new growth in Western Riverside County. Each of WRCOG's member jurisdictions and the March JPA participates in the Program through an adopted ordinance, collects fees from new development, and remits the fees to WRCOG. WRCOG, as administrator of the TUMF Program, allocates TUMF to the Riverside County Transportation Commission (RCTC), groupings of jurisdictions – referred to as TUMF Zones – based on the amounts of fees collected in these groups, and the Riverside Transit Agency (RTA). The TUMF Nexus Study is intended to satisfy the requirements of California Government Code Chapter 5 Section 66000-66008 (also known as the California Mitigation Fee Act), which governs imposing development impact fees in California. The Study establishes a nexus, or reasonable relationship, between the development impact fee's use and the type of project for which the fee is required. The TUMF Program is a development impact fee and is subject to the California Mitigation Fee Act (AB 1600, Govt. Code § 6600), which mandates that a Nexus Study be prepared to demonstrate a reasonable and rational relationship between the fee and the proposed improvements for which the fee is used. AB 1600 also requires the regular review and update of the Program and Nexus Study to ensure the validity of the Program. The last TUMF Program Update was completed in October 2009.

Draft TUMF Nexus Study

Nexus Study update WRCOG staff has determined that some modifications to the TUMF Network, which is a key determinant of the fee, are appropriate given recent State Legislation as well as questions from stakeholders regarding the status of certain projects that were under construction during the preparation of the Nexus Study. These modifications will result in a reduced proposed fee schedule as shown in the table below.

The largest single change in the Network results from the passage of SB 132, which is a companion bill to the recently enacted SB 1. SB 132 provides over \$400 million in direct transportation funding for five projects in Western Riverside County, including three that were included in the draft TUMF Nexus Study. These three projects include the following:

- McKinley Avenue Grade Separation
- Limonite Avenue / I-15 interchange
- Hamner Avenue Bridge

The final draft fee schedule in the TUMF Nexus Study is below:

Land Use Type	Current Fee	Draft Nexus Study Fee	% Change from current fee
Single-Family Residential	\$8,873	\$9,418	6%
Multi-Family Residential	\$6,231	\$6,134	-2%
Industrial	\$1.73	\$1.77	3%
Retail	\$10.49	\$12.31	17%
Service	\$4.19	\$4.56	9%

Staff will not be accepting any additions to the TUMF Network but will be removing projects if a jurisdiction formally requests to do so based on the extensive outreach related to the network previously completed. Additionally, the Public Works Committee formally reviewed and approved the roadway Network after numerous iterations and meetings with jurisdictions. Staff forwarded this information to the Technical Advisory Committee and the Executive Committee for approval.

Based on the above revised TUMF schedule, the change in fee for each land use will have the resulting estimated adjustments in development costs for prototype developments:

Land Use Type	Increase in TUMF	% Increase in Total Development Costs
Single-Family Residential	6%	0.1%
Multi-Family Residential	<0%	<0%
Industrial	3%	0%
Retail	17%	1%
Service	9%	0.1%

On February 28, 2017, WRCOG released the draft TUMF Nexus Study for review and comment, with the comment period extending through April 21, 2017. WRCOG received eleven formal comment letters from member jurisdictions and stakeholders and staff in conjunction with legal counsel and consultants has prepared responses to comments, which are attached. Some key responses are provided below:

TUMF Network: As part of the Nexus Study update, WRCOG engaged in a comprehensive review of the Network by taking multiple approaches. WRCOG worked with TUMF consultants, stakeholders, and member jurisdiction staff over the course of the Nexus Study update to develop the TUMF Network. The proposed Network was then distributed to the Public Works Committee and the Executive Committee for approval, which occurred December 8, 2016, and January 9, 2017, respectively. Each WRCOG member jurisdiction had an opportunity to provide comments on the Network throughout this process and no further changes to the Network will be forthcoming. The only possible Network edits will be to remove any completed or partially completed projects based on a review of existing conditions for each roadway in question.

Soft cost and right-of-way (ROW) allocations: The Building Industry Association (BIA) has commented extensively on the soft cost and ROW allocations in the Nexus Study. These elements of the Program are long-standing items that have been in place since the origin of the Program. The BIA claims that the allocations for planning and engineering are excessive based on their evaluation since they believe a range of 25% is more appropriate than the 35% allocated in the Nexus Study. In response, WRCOG researched available data to determine whether these soft cost allocations are appropriate. Staff determined that the soft cost allocations are consistent with comparable fee programs and guidance documents from national groups such as AASHTO (American Association of State Highway and Transportation Officials). Additionally, a statewide study of public sector projects determined that over the past 10 years, the average soft costs required to complete a project are 31%. Finally, WRCOG reviewed recent projects and determined that the average planning and

engineering costs have averaged 35% with only two projects exceeding this amount, which required the local jurisdiction to provide supplemental funding from non-TUMF sources. WRCOG also has recent experiences with projects such as the Railroad Canyon Interchange, which has incurred costs in excess of what can be reimbursed by the TUMF Program. WRCOG and the BIA have met to discuss their concerns regarding the ROW calculations, with the BIA asserting that WRCOG substantially overestimates the ROW costs associated with the Program since there are projects for which ROW is available. WRCOG noted to the BIA that this issue was noted when the Program was established. The Nexus Study compensates for these instances by globally reducing ROW for all projects by 75%, which reduces ROW costs for projects. The BIA's own analysis indicates that WRCOG's assumption regarding available ROW is understating how much ROW is required. Input from the Public Works Committee indicates that the Public Works Directors concur that the TUMF Program often underfunds ROW costs, requiring jurisdictions to contribute additional funds for ROW purchases. WRCOG staff invited the BIA staff to present information on this topic to the Public Works Committee, which they declined to do so as noted in an email on April 21, 2017.

Vehicle Miles Traveled (VMT) approach: SB 743 establishes the use of VMT as the preferred basis for measuring traffic impacts, in recognition of the fact that VMT more accurately reflects traffic impacts as it takes into account both the number of trips being made and the distance of those trips. Consistent with SB 743, consideration of travel impacts in terms of peak period VMT more accurately reflects the realities of travel behavior as the basis for determining impacts on the regional transportation system by reflecting the peak demands on the system based on the number of trips and the cumulative distance these trips occupy facilities in the system. Variation in trip length for different trip purposes is important to quantify since the impact associated with a trip is not limited to whether a trip occurs or not. A longer distance trip occupies more roadways over a longer period of time (all else being equal), and therefore goes through more intersections and consumes more capacity requiring greater levels of mitigation. As the purpose of the TUMF is to mitigate the traffic impacts of future growth, a VMT based approach better aligns with this purpose than a more simplistic trip-based methodology. The VMT approach also aligns the TUMF Study with future requirements to mitigation VMT impacts, which maintains the utility of the TUMF Program as a CEQA mitigation measure. Regional fee programs throughout California including a comparable program in Fresno County and the City of Los Angeles integrate VMT into the calculation of fees. The BIA objects to the use of VMT as an analysis metric as they claim it is legally indefensible and unfairly penalizes residential uses. WRCOG staff notes that the use of VMT in fee programs is becoming more commonplace as noted by its use in other fee programs. Additionally, WRCOG staff would note that using VMT as a component of the fee calculation reflects the true impacts of trips, thereby remedying some inequities in previous Nexus Study updates. Abandoning the VMT approach would have the effect of shifting more of the fee increase on non-residential uses and penalizes those uses while benefitting only single-family developments.

TUMF fund expenditures: The BIA claims that WRCOG is not complying with State law regarding the timely expenditure of funds. WRCOG strongly disagrees. WRCOG utilizes the Zone Transportation Improvement Programs (TIPs) to program TUMF funding for priority projects within a specific Zone. In 2016, WRCOG conducted a 5-Year Expenditure Report to substantiate the purpose, need, and use of regional development impact fees. This 5-Year Expenditure Report was reviewed and distributed to WRCOG's Committees for review and comment. This document was approved by the Executive Committee on October 3, 2016. The 5-Year Expenditure Report demonstrates our compliance with requirements to show the timely use of funds.

Obligated funding and existing need calculations: The BIA provided numerous comments noting that the Nexus Study was deficient since it did not address requirements to address obligated funding and existing need. WRCOG notes that this information is clearly provided in the Nexus Study. As stated in Section 4.5 (Existing Obligated Funding) the TUMF Network cost was adjusted accordingly to reflect the availability of obligated funds. This includes federal / state / local funding as included in the Southern California Association of Governments 2017 Federal Transportation Improvement Program (FTIP). A total of \$209.9 million in obligated funding was identified for improvements to the TUMF system. As stated in Section 4.6 (Unfunded Existing Improvement Needs) the cost for facilities identified as currently experiencing LOS E or F was adjusted. The unfunded cost of existing highway improvement needs (including the related MSHCP obligation) totals \$449.8 million (Exhibit H in Nexus Study). The approval of SB1 and SB132 will result in an additional \$80 million in TUMF Network cost, for which the Nexus Study has been adjusted to account for recent state legislation.

Mitigation Fee Act requirements: The BIA claims that the Nexus Study fails to comply with the requirements of AB 1600. Again, WRCOG strongly disagrees. All fee requirements have been evaluated under the Mitigation Fee Act and have been found to satisfy the Act's nexus and other requirements. The Nexus Study has been independently peer reviewed to evaluate whether a reasonable approach has established the necessary nexus as required by the Mitigation Fee Act. The peer review concluded that the Nexus Study follows a reasonable methodology, makes the necessary Mitigation Fee Act findings, includes accurate calculations, and establishes a reasonable maximum, updated TUMF Fee. For reference, the peer review will be included as part of the Response to Comments.

Staff would also note that they have met extensively with key stakeholders throughout this process including but not limited to the BIA, NAIOP, retail developers, and individual developers. To date, WRCOG has received three letters of supports from developers or developer representatives and one letter of support from the Corona Chamber of Commerce. The City of Calimesa also submitted a letter of support on the draft TUMF Nexus Study.

Staff will present these and other responses to comments to the Committee for review and discuss at its June 5, 2017, meeting. Additionally, staff has informed all stakeholders that the June 5th meeting will allow public comments on the draft TUMF Nexus Study.

WRCOG anticipates the below schedule regarding review of the Nexus Study by the WRCOG Committees.

June 8, 2017:	Public Works Committee makes a recommendation on the draft TUMF Nexus Study.
June 14, 2017:	Administration & Finance Committee makes a recommendation on the draft TUMF Nexus Study.
June 15, 2017:	Staff will be scheduling a special in which the Technical Advisory Committee will make a recommendation on the draft TUMF Nexus Study.
July 10, 2017:	Executive Committee takes action on the draft TUMF Nexus Study.
Fall 2017:	Any change in fee goes into effect (depending on each member jurisdiction's approval of TUMF Ordinance / Resolutions).

The above schedule is tentative and subject to change depending on input from the Committees and stakeholders.

Prior Actions:

<u>May 18, 2017:</u>	The Technical Advisory Committee received report.
<u>May 10, 2017:</u>	The Administration & Finance Committee received report.

Fiscal Impact:

TUMF activities are included in the Agency's adopted Fiscal Year 2016/2017 Budget under the Transportation Department.

Attachments:

1. Draft TUMF Nexus Study comments.
2. Draft TUMF Nexus Study response to comments.

Item 5.C

Transportation Uniform Mitigation
Fee (TUMF) Nexus Study Update

Attachment 1

Draft TUMF Nexus Study comments

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City of Calimesa

April 20, 2017

Mr. Christopher Gray, Director of Transportation
Western Riverside Council of Governments
4080 Lemon Street
3rd Floor, MS 1032
Riverside, CA 92501-3609

Subject: Transportation Uniform Mitigation Fee (TUMF)
Nexus Study, 2016 Program Update

Dear Mr. Gray:

The City of Calimesa (City) has reviewed the Draft 2016 TUMF Nexus Study Program Update dated February 28, 2017 and other materials provided by WRCOG. The City expresses appreciation to WRCOG for addressing our 2015 Draft TUMF Nexus Study comments regarding substantial fee increases in retail and service land use categories (increases of 55% and 58%). As mentioned previously, the City is positioned to experience substantial growth over the next decade (doubling or tripling our population) that would include the retail and service industries. The City desires to attract retail and service industries in order to provide needed revenue to sustain all City provided public services since residential, industrial, and office uses typically do not generate enough tax revenue to offset the cost of associated public services.

The City also appreciates WRCOG implementing a phased approach for the fee increases for single family residential and retail land use categories. This will allow the City time to work with developers on moving current projects forward without the threat of substantial fee increases in the near term.

Although fee increases are not ideal, the City recognizes that sometimes it is necessary in order to achieve the desired goals. If you have any questions, please let me know.

Sincerely,

Bonnie Johnson
City Manager

cc. Jeff Hewitt, Mayor
Michael Thornton, City Engineer

TEL: 951.413.3100
WWW.MOVAL.ORG



**Letter
A2**

14177 FREDERICK STREET
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 20, 2017

Mr. Christopher J. Gray
Director of Transportation
Western Riverside Council of Governments
4080 Lemon Street, MS-1032
Riverside, CA 92501

Subject: Draft Final Report TUMF Nexus Study 2016 Update
City of Moreno Valley Comments

Dear Mr. Gray:

Chris

The City of Moreno Valley staff has reviewed the draft Final Report TUMF Nexus Study 2016 Update dated February 28, 2017.

Attached is the City's final comment master list for your consideration.

If you have any questions, please contact me at 951.413.3100.

Sincerely,

Ahmad R. Ansari, P.E.
Public Works Director/City Engineer

HN/vl

c: Project File

City of Moreno Valley - Comments on February 28, 2017 Draft TUMF Nexus Study	
Date Prepared: April 6, 2017	
No.	Comment
1	The original Draft TUMF Nexus Study was distributed in August of 2015 and included comments from private developers, the BIA and governmental agencies. Include a summary of how comments/questions were addressed in the Final TUMF Nexus Study.
2	There was no mention in the TUMF Nexus Study of any fee reductions for affordable housing or senior housing projects. WRCOG staff has recently informed a prospective developer in Moreno Valley that a reduced fee for senior housing will be implemented in the next two to three months. It is strongly recommended that a fee reduction mechanism for affordable housing and senior housing be evaluated and implemented within the final TUMF Nexus Study.
3	An updated fee chart was provided at the March 6, 2017 WRCOG Executive Committee meeting that included a phase-in option for fee increase implementation from July 1, 2017 to July 1, 2020. In order to minimize the proposed increases in fees across the board, it is highly recommended that a phase-in fee implementation mechanism be considered as an option and included in the Final TUMF Nexus Study.
4	Clarify whether Cities will be required to make up the difference in fees if the implementation is phased and measured against a 100% threshold on the effective date.
5	Include a section on how WRCOG will handle reimbursements/credits from developers and agencies who built facilities on the network under the currently-adopted Nexus Study, and those facilities are now being deleted from the network in the 2017 study.
6	Provide explanation of how Maximum TUMF Share was calculated for each facility in Moreno Valley, for example, which outside fund sources and from what reference. For example, Gilman Springs Road from 60 to Alessandro; and Reche Vista from City limit to Heacock. Also provide detail in Section 4.5, p. 39 what amounts and locations are covered in Existing Obligated Funding. Also provide more information in Section 4.7.
7	Provide explanation of how new "% completed" were developed. Several differ from those reported by Moreno Valley. Specifically, several percents are too high for the facility.
8	City was aware that Perris Boulevard street segment was potentially to be removed from network or retained with zero dollars. However, City requests that some TUMF monies be shown for the Perris/60 interchange.
9	City's formal comments dated August 27, 2015 are not shown in the comment matrices nor were they addressed. Please incorporate and they are repeated here:
9a	Dear Ms. Taylor-Berger: The City has the following comments on the Draft 2015 TUMF Nexus Study dated August 17, 2015: Include State Route (SR) 60/Moreno Beach Interchange as a line item – this location is already on the 2009 network as a Type 2 interchange and appears to have been missed. On the Draft 2015 network, the SR-60/Moreno Beach interchange cost would be \$37,483,000, the same as other Type 2 interchanges.
9b	Ironwood Avenue from SR-60 to Day Street as shown in Appendix G-1 should state "Full funding available from other sources" instead of "City to fund with local sources."

Letter A2 Cont.

City of Moreno Valley

9c	Since SR-60/Nason Interchange is shown on the 2015 Draft Nexus study at \$11,128,000, please reference the City's February 6, 2015 request that WRCOG acknowledge the City's \$19,106,000 savings as satisfaction against the \$999,302.77 loss to the network. (As an alternate option as suggested in our letter, for ease of accounting \$14,100,000 could be shown on the network, which would consist of \$13,069,951 allocated in TUMF TIP funds plus \$1,000,000 50% TUMF reduction deficit make-up).
10	Heacock from San Michelle to Harley Knox segment - will the \$300k network reduction affect current funding on the proposed TIP? City is moving forward with the Heacock project and opposes any reduction in funding for this segment. Same comment for all ongoing and TIP projects.
11	Nason from Fir (south of SR-60) to Alessandro was completed in 2016 with 100% City funds and City will bill (or request savings against the network) for the 2009 TUMF maximum share. Include update in exhibit H-1.
12	Section 1.1.1., subsection (4) - "list of roads that have existing capacity deficiencies" - where is this list?
13	Include the August 8, 2015 comment letter from the BIA's consultant, referenced on p. 35 in Section 4.3.
14	Section 4.3, page 35, reference to Appendix G should include a description of what's included in G-1 and G-2, and the dates of actions by WRCOG and committees.
15	Provide a fee comparison table to show differences from 2009 to 2017.
16	In Appendix A, correct the spelling of the committee member Gutierrez's first name to the following: Vxstian
17	In Appendix F, page F-3, the pavement thickness appears too thin for the streets in the TUMF program. For example, for minor arterials and above, the City's minimum pavement thickness is 0.5-ft of asphalt and 1.0-ft aggregate base. This promotes a stronger pavement structure and longer life, avoiding premature reconstruction. The City recommends WRCOG verify pavement sections with their member agencies.
18	In Exhibit F-2, master unit cost summary, "ramp realignment" cost is blank.
19	In Exhibit F-2, master unit cost summary, what types of street lights are assumed and are eligible - LED, HPSV, or other?
20	Referencing Exhibit F-4, Land Use cost assumption page, include in the study an explanation of how the 25% was derived.
21	In Appendices G, G-1 and G-2, include dates of each agency's comments.
22	In Appendices G, G-1 and G-2, include City's of Moreno Valley's comments of 8/27/15. Specific comments are listed in #9 above.
23	In Appendix G-1 and H-1, Theodore Street from 60 to Eucalyptus, comment should state City will provide \$19.7 million in local funding, not \$20 million. Reference City's February 5, 2015 comment letter. Please clarify exact amount of TUMF and City share.
24	In Appendix G-2, Ironwood from 60 to Day should remain on the network, with zero dollars, contingent on allocating the funds to another Moreno Valley street.
25	In Exhibit G-2 and H-1, Day /60 Interchange maximum value can be \$15 million. \$17,897,000 is too high for the improvements needed. Allocate surplus funds to another Moreno Valley street.
26	In Appendix G-2, Moreno Beach/60 interchange, see previous comment for this location. Restore as Type 2 interchange at 35% completion level.
27	Figure 4.4 - Transit Center (Mobility Hub) should be shown on the NW corner of Alessandro Boulevard and Nason Street.
28	Page 46 - Harley Knox terminates at Redlands Avenue, not Evans Road. Diagrams and any costs associated should be updated.

\\ZURICH-I\CapProj\WRCOG\2017 TUMF Nexus Study\TUMF Nexus Study City Comments - Master List FINAL -vI

29	Page 28 - reference to year 2035. Horizon year is 2040.
30	Exhibit E-1 should be updated to reflect 2017 built conditions. Perris Boulevard 4 lanes s/o Heacock; Cactus Avenue 6 lanes Elsworth Street to Heacock Street; Ironwood Avenue 4 lanes Heacock to Perris.
31	Page 46 - Day Street (SR-60 to Eucalyptus) should reflect 80% complete 5 lanes exist, 6 future. Funds should be added to complete the segment.
32	Page 10 Nexus Study and TUMF Fee Calculation Handbook consideration should be given to add a special category for Amazon Fulfillment Centers.
33	In Appendix F, page F-2 Typical Roadway Cross Section, City recommends updating the 4-foot bicycle lane to a minimum of 6 feet, as this is the typical width on Arterial Roadways.
34	In Exhibit H-1, Alessandro from 215 to Perris: correct the % complete from 74% to 60%. Alessandro from Perris to Nason: correct % complete from 19% to 15%.
35	In Exhibit H-1, Gilman Springs from 60 to Alessandro, why does this not have full value?
36	In Exhibit H-1, Eucalyptus from 215 to Towngate: correct the % complete from 42% to 25%.
37	In Exhibit H-1, Heacock from Cactus to San Michelle: correct the % complete from 77% to 15%.
38	In Exhibit H-1, Day from Ironwood to 60: correct the number of existing lanes from 4 to 3.
39	In Exhibit H-1, Eucalyptus from Heacock to Kitching: correct the number of future lanes from 2 to 4.
40	In Exhibit H-1, Lasselle from JFK to Oleander, change Oleander to Harley Knox.
41	In Exhibit H-1, Pigeon Pass/CETAP corridor from Cantarini to Ironwood, change number of future lanes to 4.
42	In Exhibit H-1, Nason from 60 to Alessandro, the City completed widening with 100% City funds and will bill WRCOG the maximum TUMF share from 2009 study (Fir to Alessandro segment).
43	In Exhibit L-1, include Logistics in the Industrial sector.

County of Riverside

Letter
A3

RIVERSIDE OFFICE:
4080 LEMON STREET, 5TH FLOOR
RIVERSIDE, CA 92501
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SUPERVISOR KEVIN JEFFRIES FIRST DISTRICT

April 14, 2017

Christopher Gray, Director of Transportation
Western Riverside Council of Governments
4080 Lemon Street, 3rd Floor MS 1032
Riverside, CA 92501-3609

Re: Comments on Draft TUMF Nexus Study

In the time during which the TUMF rate study has been produced, the state has approved higher fuel taxes and related vehicle fees. The state has also been investigating the concept of implementing a per-mile-fee for California drivers. Previously, the state implemented a new-development regulatory structure that seeks to discourage long distance commuting while encouraging transit and multi-use "walkable" developments.

WRCOG's proposal to significantly increase the TUMF for new retail business facilities will put western Riverside County at a significant competitive disadvantage in not only seeking small and medium business creation - but will substantially harm our ability to advance permanent job creation in those sectors. Additionally this office believes that the proposed fee structure will significantly hamper our ability to comply with and/or achieve the above state regulatory directives for live - work housing balances in western Riverside County.

The preliminary TUMF study conclusion itself acknowledges the potential adverse impact of the proposed increases fee structure, as evidenced by the recommendation to delay (or spread) the substantial increases over a few years.

Furthermore, the proposed rate structure continues to appear to incentivize warehouse and mining development in Riverside County over other non-residential uses. These rates appear to only consider trip counts, and do not seem to take into account the extra burden of heavy trucks on congestion and road maintenance costs.

In closing, spreading an excessive fee increase over a few years will not make Western Riverside County any more competitive in advancing and achieving local job creation this county so desperately needs, and will instead simply serve to advance the personal and financial costs of "exporting" our county's labor force each day.

Respectfully,

A handwritten signature in dark ink, appearing to read "Kevin D. Jeffries", written over a horizontal line.

KEVIN D. JEFFRIES
Supervisor, First District

April 13, 2017



*Riverside
County Chapter*

Building Industry Association
of Southern California

3891 11th Street
Riverside, California 92501
(951) 781-7310
Fax (951) 781-0509

Christopher J. Gray
Director of Transportation
Western Riverside Council of Governments
4080 Lemon Street
3rd Floor, MS 1032
Riverside, CA 92501-3609

Re: Comments of Building Industry Association of Southern California, Inc., Riverside County Chapter Concerning the Timeline for Implementation / Collection of Fees Outlined in the 2016 Draft TUMF Nexus Study

Dear Mr. Gray,

The Building Industry Association of Southern California, Inc., Riverside Chapter (BIA) is a regional trade association that represents more than 400 member companies. Together, our members employ more than 50,000 workers and professionals building new home communities throughout Southern California. On behalf of our membership, we are submitting these comments concerning the timeline for implementation / collection of fees outlined in the 2016 Draft Transportation Uniform Mitigation Fee (TUMF) Nexus Study, released on February 28, 2017.

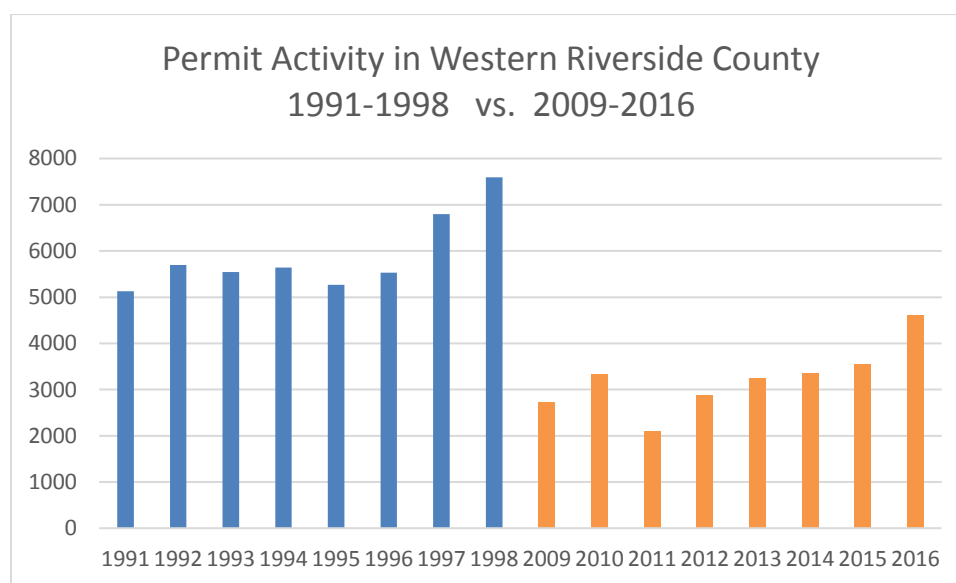
We appreciate the close working relationship that the BIA has with Western Riverside Council of Governments (WRCOG) staff. We particularly appreciate the WRCOG staff meeting with us to answer our questions in detail and receive our feedback concerning the 2016 Draft TUMF Nexus Study. Over the past couple of weeks, we have met with WRCOG staff several times concerning: 1) facilities included in the TUMF; 2) design; 3) engineering and construction costs; and 4) right of way acquisition methodology / costs outlined in the study. We greatly appreciate the longstanding partnership that we have with the WRCOG team.

California is currently experiencing a housing supply and affordability crisis with social and economic consequences for communities both in Western Riverside County and throughout the state. In California, housing costs are being driven upwards by a severe shortage of housing. According to state reports,

California is only adding 80,000 new housing units annually - 100,000 units short of what is needed to meet the current housing demand each year. The average single family home in California costs \$440,000 - two and a half times the national average. Rents are also 50 percent higher than the rest of the country. WRCOG's increase to the TUMF will directly translate into higher rental and housing prices in the future.

It is correctly stated in the WRCOG study of regional fees, titled: *"Analysis of Development Impact Fees in Western Riverside County"*, that "single family development has long been a key development sector in Western Riverside County."¹ Unfortunately, instead of working to bolster this economic driver in the region, the proposed TUMF study seeks to increase fees on a struggling industry by adding to the cost of building. Furthermore, the study is inequitable in its treatment of development industry types, favoring retail development over single family home development. The BIA feels it is unfair that the retail development industry is receiving a two-year freeze on the collection of the proposed TUMF, when single family home development is not. A more equitable approach would be for WRCOG to apply the same two-year freeze and subsequent two-year phase in for single family home development that is being applied to the retail development industry in the study. This is important given the depressed development climate currently playing out in our region.

Permit Activity in Western Riverside County



The above graph depicts permit activity in Western Riverside County in the years 1991-1998, a time widely understood to have been the most troubled time for the housing industry, versus the more recent permit activity between 2009-2016, which demonstrates an even slower permit activity than the 1990s. One study by the Public Policy Institute of California (PPIC) describes the 1990s as showing "a disturbing

¹ EPS & RCG. "Analysis of Development Impact Fees in Western Riverside County." Western Riverside Council of Governments (WRCOG) Report (Dec 2016): Pg. 30

and widely noted decline in the construction of new housing units in California.”² Just as there was a slow recovery following the 1990s recession, a similar pattern can be seen following the “Great Recession” of the 2000s, although it is clear from the above graph, that the current recovery is slower than it was during the bad years of the 1990s. Given that the current housing climate is worse than it was in the 1990s, a time that was devastating for the building industry, it is hard to understand why there is any consideration of inflating the cost of building homes by increasing fees, particularly during a housing affordability / supply crisis.

We applaud the recently released report produced by WRCOG which provides an analysis of development Impact fees in Western Riverside County. Our reading of WRCOG’s analysis, combined with the above permit data, would strongly suggest that now is not the time to raise fees, no matter how insignificant some might consider them to be. This report correctly states that “Developers ... will review a number of conditions before determining whether to move forward with site acquisition / optioning and pre-development activities. Factors will include: ... expected development costs ... and development impact fees.”³ The report further articulates that “development impact fees act as an additional development cost that can influence development feasibility and potentially the pace of new development.”⁴ Raising fees associated with the development of single family homes, will very likely make certain development projects unfeasible. This is the exact opposite of what we need right now, unless the intention of the TUMF implementation is to further depress housing growth and exacerbate the statewide housing crisis.

Given the state of the housing market / development climate for single family homes, **the BIA respectfully requests that WRCOG apply the same two-year freeze and subsequent two-year phase in for single family home development that is being applied to the retail development industry in the study.**

Thank you for your consideration of the Building Industry’s concerns / request regarding the timeline for implementation / collection of fees outlined in the 2016 Draft TUMF Nexus Study.

Sincerely,



Clint Lorimore, *Director of Government Affairs*
Riverside County Building Industry Association

² Johnson, Hans P., Moller & Dardia. “In Short Supply? Cycles and Trends in California Housing.” Public Policy Institute of California (PPIC) Report (2004): Pg. iii

³ EPS & RCG. “Analysis of Development Impact Fees in Western Riverside County.” Western Riverside Council of Governments (WRCOG) Report (Dec 2016): Pg. 29

⁴ Ibid. Pg. 1

MEMORANDUM

TO: Mr. Bill Blankenship, CEO
Building Industry Association of So. California – Riverside County

FROM: Dave Lanferman, RUTAN & TUCKER

DATE: April 19, 2017

RE: **WRCOG Transportation Uniform Mitigation Fee (“TUMF”) -- 2016 Update**

EXECUTIVE SUMMARY:

This summarizes my observations on, and questions about, the DRAFT “*2016 Update to Nexus Study for the Transportation Uniform Mitigation Fees*,” recently released by the Western Riverside Council of Governments (“WRCOG”) in connection with WRCOG’s consideration of the proposed amendment or renewal of its TUMF program. I appreciate the opportunity to provide this review for the Building Industry Association, as my practice has focused on mitigation fees and exactions for more than 30 years and my experience includes analyses of hundreds of “nexus studies” as well as litigating the validity or invalidity of nexus studies and fees in more than a hundred cases in trial courts, the Courts of Appeal, and the California Supreme Court.

Based on review of the WRCOG Draft 2016 Nexus Study, it is necessary to conclude that there are several problems with the Draft Study, including apparent inconsistencies with the Mitigation Fee Act, and several significant questions which should require that additional analyses or evidence be provided to WRCOG and the public before any further action is taken. The following Memo provides more detail as to these issues. Among the major issues raised by the Draft Study are the following:

* The Draft Study accurately recites the requirements of the Mitigation Fee Act that must be met in order to adopt or amend valid fees, but significant parts of the Draft Study fail to comply with those requirements;

1

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* The Draft Study’s proposed change so as to calculate “impacts” based on new use of a VMT methodology may be theoretically acceptable, but it raises important questions about the accuracy and fairness of the assumptions and conclusions of the VMT inputs used in the Draft Nexus Study for allocation of costs of new TUMF improvements, e.g., assumptions or data supporting the proposed reliance use of “peak hour” trips for residential sources. WRCOG should be asked to provide additional, more focused, data on these issues.

2

* The Draft Study fails to properly take into account the probability of new State funding for many of the improvements included in the study;

3

* The Draft Study does not appear to take into account – and credit -- other, non-TUMF, funding sources for the proposed facilities and improvements (e.g., existing surpluses, interest, local non-TUMF tax revenues generated by new development, etc.)

4

* The Draft Study, in its present draft form, does not appear to provide sufficient evidence and analysis to meet the requirements of the Mitigation Fee Act or other applicable laws.

5

1. Background – TUMF Program:

The Western Riverside Council of Governments (“WRCOG”) established its so-called “Transportation Uniform Mitigation Fee” program more than 15 years ago, creating a set of development “mitigation fees” intended to provide funding for arterial highway and road improvements of regional significance in Western Riverside County. WRCOG is now in the process of conducting its “third comprehensive review” of the TUMF program.

The initial TUMF was based on a nexus study that was adopted in November 2002. The TUMF program calls for the fees and nexus justifications to be reviewed periodically, at least every five years. The first review of the TUMF fee was documented in a “TUMF nexus study 2005 Update” approved in February 2006. “A second comprehensive review of the TUMF Program was conducted in 2008 and 2009,” and adopted in October 2009. The third comprehensive review was conducted in 2014 and 2015, leading to a Draft Nexus Study circulated in August 2015. WRCOG decided to delay finalizing that Nexus Study until the 2016 SCAG “2016 Regional Transportation Plan/Sustainable Communities Strategy” (2016 RTP/SCS) growth forecast was available. That SCAG forecast became available in April 2016, and WRCOG resumed work on the third review of the Nexus Study.

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The current Draft of the 2016 Update to the TUMF was released for public review on February 28, 2017.

The cover letter to this Draft of the 2016 Update to the TUMF Nexus Study acknowledges several “significant changes and revisions” to WRCOG’s previous approaches to the TUMF and its nexus studies, including use of “Vehicle Miles Traveled” (“VMT”) as a new methodology in the fee calculation process.

WRCOG’s cover letter also acknowledges that: “Because of these updated data and new methodological approaches, the resulting fees are substantially different for many of the land use categories in the Draft TUMF Nexus Study....” Among the differences in the resulting fees recommended by this Draft are some substantial increases in the TUMF fees on residential development. This memo briefly addresses some questions raised by those proposed increases.

2. Threshold Issues Raised by "Transportation Impact Fees" – Generally:

Despite the increased reliance upon traffic impact fees by many agencies in California, such fees suffer inherent conceptual and causal weaknesses not common to other infrastructure fees. There are legitimate concerns about the "accuracy" or fairness of using “development mitigation fees” in the context of funding improvements to streets, highways, and other components of a road system that serves, and benefits, a large, open-ended, community:

"The level of difficulty in proving the rational nexus between a particular development and its impact on the road system is much greater than that for water, sewer, or parks. The road system is a capital system that can be characterized by nonexclusive use and joint consumption by the public generally. Calculating the specific prorated shares of expansion costs, which are attributable to new growth for water and sewer, is fairly simple. In contrast, the same calculation in the case of *roads* is difficult if not impossible to accomplish in a manner that accurately and consistently reflects the actual cost and benefit of the capital system to individual households. (Harry A. Stewart; *Impact Fees: The Mettle Public Officials Need to Meddle in Development Impact Fees: Policy Rationale: Practice. Theory and Issues*. (Arthur C. Nelson, Ed., American Planning Association, 1988) p. 71.)

Transportation planners have pointed out the difficulties inherent in using an "impact fee" approach to fairly allocate the costs of traffic improvements, especially in the context of "off-site" improvements.

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Streets and highways are distinctly different from pipeline infrastructure. Even if short-run demand were inelastic, off-site origins and destinations are not sufficiently predetermined to be able to assign off-site segments of the network to particular development.

Only some small portion of the street system that gives direct access to property can be financed efficiently through impact fees, and the bulk of this is on-site to most development.

One obvious error in some current practice is the calculation of traffic impact fees based on loading the network with the new development's traffic and looking for congestion. *This violates the basic principle of impact fee design, namely, that all users face the marginal cost.* Removing some existing users would eliminate the congestion, so any group of users could be called the marginal consumers. Moreover, if existing users are not paying peak congestion charges, there is no reason new development should.

(Douglass B. Lee, Senior Transportation Plan, USDOT Systems Center, Cambridge, Mass., "Evaluation of Impact Fees Against Public Finance Criteria" in Development Impact Fees, *supra*.)

3. **"Nexus" Requirements - Generally:**

A. **WRCOG must show "reasonable nexus" and "rough proportionality" between impacts caused and the amount of fees charged to justify TUMF:**

Generally, the state and federal constitutions, as well as the California Mitigation Fee Act (Gov. Code §§ 66000- 66008) require that any agency seeking to establish or impose fees or other exactions as conditions of development approval must demonstrate a "nexus" (i.e., a rational and causal relationship) between the fees or exactions to be imposed and some deleterious public impacts or needs created by the new development upon which the fees are to be imposed. (*San Remo Hotel v. City & County of San Francisco* (2002) 27 Cal.4th 643.) Moreover, the US Supreme Court has repeatedly emphasized that fees imposed as mitigation for development impacts must be shown to be "roughly proportional" in amount to the reasonably estimated costs of providing the mitigation for which they are imposed. (*Koontz v. St. Johns River Water Mgt. Authority* (2013) 133 S.Ct. 2586.)

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See, e.g., *Ehrlich v. City of Culver City* (1996) 12 Ca1.4th at 865 [explaining that Mitigation Fee Act “codifies, as the statutory standard applicable by definition to non-possessory monetary exactions, the ‘reasonable relationship’ standard employed in California and elsewhere to measure the validity of required dedications of land (or fees ...) that are challenged under the Fifth and Fourteenth Amendments.”]. That standard is thus of constitutional import:

By interpreting the reasonable relationship standard adopted by Gov’t Code § 66001 as imposing a requirement consistent with the *Nollan/Dolan* standard, we serve the legislative purpose of protecting developers from disproportionate and excessive fees, and carry out the legislative intent of imposing a statutory relationship between monetary exaction and development project that accurately reflects the prevailing [constitutional] takings clause standard. (*Id.* at 867.)

(1) Geographic or territorial nexus questions: The rational nexus test includes consideration of the *geographical* connection between where the fees are collected and where the funds are to be expended or applied. Although the TUMF program has created “zones” for the allocation of TUMF revenues, it is still not clear that the use of such zones suffices to address the limitations on the police power of the individual jurisdictions collecting the fees or the requirements for a reasonable geographic nexus between the source of the fee revenues and the impacts to be mitigated by the expenditures of the fees.

Here, the TUMF program allows fees to be collected from development in one area of the WRCOG and to be expended on roads in areas that are far distant from the homes or employment of the fee payers. It is questionable whether the WRCOG is vested with legal authority to transfer fee proceeds beyond the jurisdictions in which they are collected or generated. Also, the imposition of development fees depends upon exercise of police power authority, which generally can be exercised only within the territorial boundaries of the city or county imposing the fee or regulation. (*City of South San Francisco v. Berry* (1953) 120 Cal.App.2d 252, 253 [“The *police power* has been given the county and the city respectively, *for exercise only ‘within its limits’*”]; *Miller v. Fowle* (1949) 92 Cal.App.2d 409, 411 [“A municipal corporation has generally *no extraterritorial powers of regulation*”]; 74 Ops.Cal.Atty.Gen. 211 (1991) [“[T]he rule presently enunciated by the courts is that the *police powers* of cities and counties granted under the Constitution do not extend beyond their territorial limits”].)

(2) Temporal nexus questions: In addition, the rational nexus test usually requires that there must be a *temporal* connection between when the fee is imposed or collected, and when the agency collecting the fee uses it to provide the public benefits or facilities for which the fee is imposed. (See, e.g. Gov. Code §§ 66001(c) and 66006.)

It is not clear that the TUMF program is depositing, accounting for, and applying the fee revenues collected in a timely manner as required by the Fee Act. If fees are not spent or

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committed to specific projects within the time frames required by the Fee Act, such fees may be subject to claims for refunds by fee payers or their successors.

Credits for prior fee collections? If the TUMF program currently has any previously-collected fee proceeds on deposit which have not already been spent on or committed to specific TUMF improvement programs, those ‘surplus’ or uncommitted fee balances should be shown as a credit going forward.

9

Interest on collected fees? Does the TUMF program disclose its interest earnings on collected, but unspent, fee revenues? Any such interest accruals should be shown as a credit going forward.

10

B. Reasonable “fees” or disguised “taxes”?

The courts have emphasized that these nexus requirements are of constitutional significance, and essential to the validity of any attempt to impose “mitigation fees” of any type. The requirement for demonstration of a reasonable nexus is also one critical distinction between a “fee” from a “tax.” Purported “fees” which exceed the reasonable costs of providing the facilities or services for which they are imposed are properly regarded as “taxes” rather than fees. (*California Farm Bureau Federation v. State Water Resources Control Board* (2011) 51 Cal.4th 421, 428, 435-443.) Therefore, in the review of nexus studies or other justifications for imposing a purported “fee,” this distinction is important. If the charge is not shown to be justified as a fee, then it may be viewed as a disguised “tax” and would be subject to distinct and rigorous voter approval requirements under the California Constitution, as well as other limitations inherent in state law. (E.g., *Weisblat v. City of San Diego* (2009) 176 Cal.App.4th 1022.)

11

C. WRCOG bears the burden of proof to justify its TUMF:

The WRCOG bears the burden of producing evidence to justify its fees, not only as to the amount of the fees but as to their nature and as to their allocation. See, *Shapell Industries v. Governing Board* (1990) 1 Cal.App.4th 218, 235 [emph. added], explaining that “the Board imposing the fee must therefore show that a valid method was used for arriving at the fee in question,” See also, *Home Builders Ass’n of Tulare/Kings Counties v. City of Lemoore* (2010) 185 Cal.App.4th 554, 561:

12

[B]efore imposing a fee under the Mitigation Fee Act, the local agency is charged with determining that the amount of the fee and the need for the public facility are reasonably related to the burden created by the development project. If such a fee is challenged, the local agency has the burden of producing evidence in support of its determination. [Citation.] The local agency must show that a valid

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method was used for determining the fee in question, one that established a reasonable relationship between the fee charged and the burden posed by the development. (*Shapell Industries, supra...*)

4. Questions as to the Nexus Study’s compliance with the Mitigation Fee Act?

The Draft Nexus Study (p. iii) asserts that it “is intended to satisfy the requirements of” the Mitigation Fee Act (Gov. Code §§ 66000- 66008). The Fee Act mandates that an agency seeking to establish fees as a condition of development approval must provide the reasoned analysis, supported by substantial evidence in the record, and must specify determinations regarding the justification for the fees. The Nexus Study itself acknowledges these requirements.

However, questions can be raised here as to whether or not this Nexus Study actually complies with the Fee Act. Those below are not exclusive.

(A) Gov. Code § 66001(a)(2) -- Identification of specific facilities to be funded by TUMF? Gov. Code § 66001(a)(2) requires that the agency establishing fees must “identify the use to which the fee is to be put” and if that intended use is “financing public facilities” then the agency must identify those facilities. While the Draft Nexus Study appears to have a fairly specific list of facilities and improvements that are to be funded by the TUMF, has that list been “finalized” or adopted in a capital improvement plan by the governing board of WRCOG or the participating agencies? WRCOG and its members should demonstrate that adequate and reasonably funding commitments have been secured to cover that portion of the costs of new facilities which cannot lawfully be attributed to “new” development paying TUMF fees.

13

(B) Gov. Code § 66001(b) -- Determination of reasonable costs of facilities? Gov. Code § 66001(b) requires the WRCOG to make certain determinations based on finding a reasonable relationship between the “reasonable costs” of the proposed facilities “attributable to the development on which the fee is imposed,” and the proposed new TUMF fees.

14

(C) Gov. Code § 66000(g) – Existing deficiencies? California law expressly prohibits the calculation or imposition of fees on new development in order to address existing needs or deficiencies. (Gov. Code § 66000(g) [prohibiting fees from including any costs attributable to “existing deficiencies”]; *Bixel Assoc. v. City of Los Angeles* (1989) 216 Cal.App.3d 1208.) It is not clear from my review of the Draft Update as to whether the study sufficiently segregates existing transportation deficiencies and roads operating at below-standard levels from new and improved roadways and facilities due needed as a consequence of new development. Lanes of highway and road surface, and other transportation infrastructure, must generally be built in large bulk units not easily susceptible to nuanced allocation.

15

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(D) Gov. Code § 66005.1 – Special treatment for transportation impact fees imposed on housing developments meeting transit-oriented criteria? The Nexus Study does not appear to acknowledge this statute, which was added to the Mitigation Fee Act in 2008, and became effective in January 2011. Section 66005.1 specifically applies to any fee imposed “for purposes of mitigating vehicular traffic impacts” – like the TUMF. It requires that for housing developments meeting certain criteria (e.g. located within ½ mile of a transit station), the agency must set the traffic impact fees “at a rate that reflects a lower rate of trip generation” than the rate generally applicable to housing that does not meet those criteria (with some exceptions).

16

Here, by contrast, it appears that the Draft Nexus Study simply sets one rate for single family residential development and another flat rate for multi-family residential development without attempting to provide a lower differential rate for housing developments of either type meeting the criteria of § 66005.1.

5. Other Questions raised by the Draft TUMF Nexus Study - 2016 Update:

a. Cost Estimates:

* Selection of appropriate road segments to be funded by Fee?

17

* Some of the costs may be for improvements in *quality* (not just *capacity* improvements to the existing road facilities - this creates benefits enjoyed by all existing users and should thus be allocated differently. Cf. Gov’t Code § 66001(g).

18

* Costs attributable to building less than 100% of new lanes? (See discussion under item 4(C) above.

19

* The WRCOG cover letter admits that approximately \$300 million of project costs was removed from the Nexus study as a result of prior reviews and public inputs.

* Excessive “contingency” percentages. The cost estimates used in the study appear to include unusually large (excessive?) “contingency” percentages over and above the remaining cost estimates. It would be reasonable to try to ascertain if the Nexus Study is adequately supported by substantial evidence as to these estimates.

20

b. Traffic Impacts- Trip Calculations – Use of VMT:

* The Draft Nexus Study points out that this fee analysis, for the first time, is based on use of VMT methodologies, in contrast to previous TUMF Nexus Studies. WRCOG's cover letter acknowledges that this change in methodology appears to result in allocating a larger percentage of the estimated costs of mitigation projects to "residential" development than under previous approaches.

21

* WRCOG cites no legal authority specifically approving the use of that VMT methodology for the purposes of calculating or allocating transportation impact mitigation fees. While WRCOG notes that VMT analyses are increasingly used in the context of CEQA studies and for measuring project-specific (or program-specific) "impacts" on traffic in that context, that is not the same as attempting to use VMT for the purposes of *allocating* the costs of mitigating traffic/transportation impacts between various sub-sets of users of open-ended public roads and highways. Attempting to rely on VMT in this new Draft Nexus Study for the purpose of allocating the estimated costs of mitigation work therefore should require that WRCOG provide more comprehensive data/evidence supporting the assumptions in the Draft Nexus Study, and should more fully account for VMT from all sources of anticipated increases in traffic impacts using TUMF facilities.

22

* To the extent that VMT is being used, some observations may be made:

Fees should be proportionate to new development's contribution to the anticipated increase in traffic impacts. "Traffic impact" here is measured as "peak-hour" vehicle-miles of travel, and is the product of peak-hour trips generated per dwelling unit (or per square feet of gross floor area for nonresidential use), the percentage of these trips that are not stopping as part of a longer trip somewhere else (i.e., non-pass-by trips), and a relative index of trip length within the area.

23

* Question as to whether data supports the assumptions about residential units as sources of peak hour trips;

24

* Question as to whether estimates here as to trips per day are properly adjusted for "peak hour" congestion.

25

* Question as to whether the trips attributed to/generated by residential users are properly adjusted for travel at times outside of “peak hour.” Non-peak trips would have less impact -- and create less need for additional improvements and fees. | 26

c. Allocation of Costs?

* Assuming \$3,139M is accurate estimate of total costs of all proposed improvements, the Draft Nexus Study appears to impose all such costs on new private sector development. | 27

* Are there any allocations to “orphan shares” (users who add to impacts and transportation needs but which are exempt from TUMF for policy reasons)? | 28

* Any allocation of costs to *existing* users – other users who benefit from improvements in *quality* of transportation system? | 29

* Any allocation of costs to *exempt or public sector* users or users not otherwise subject to the TUMF fees? | 30

* Any allocation of costs to users of subject road system originating *outside* the TUMF program area? | 31

d. No credits for contributions from other funding sources?

* New State funding -- e.g., SB 132 provides substantial new funding for transportation improvements in Riverside County (\$427 M), and at least some of those funds would be targeted at TUMF projects (e.g., Interstate 5/Limonite Interchange; Hamner Bridge widening; possibly others such as McKinley grade separation and Jurupa Avenue grade separation). Such State contributions should therefore be reflected as credits in the Draft Nexus Study and thus reducing the TUMF project costs to be funded by fees on new development.) | 32

* Other Transportation Funding Sources (feds, regional, local taxes, etc.) | 33

* Although we are informed that approximately \$80 million of proposed projects/facilities were removed from the Draft Study in anticipation of State transportation funding being provided for those projects, it appears that the Draft Study should remove additional projects, or otherwise reflect appropriate credits, | 34

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for additional State transportation funding being provided in the Governor’s recent allocation of SB-1 revenues.

* NOTE: Governor Brown’s new proposal for increased gas taxes and vehicle registration fees to provide more State funding for road improvements... is this addressed in the TUMF Nexus Study?

e. Credits for additional tax revenues/street improvements from new development?

* New development ultimately will be paying property and gasoline taxes, in addition to TUMF fees, that will be used to fund arterial roads. In addition, local jurisdictions in WRCOG will require subdividers and other developments to provide (at developer cost) internal streets and key access road improvements, in addition to roads and highways funded by TUMF.

35

6. CEQA Compliance?

CEQA compliance is an additional issue that should be raised at the appropriate time before the WRCOG considers or adopts any new TUMF requirements, although CEQA is distinct from the “nexus study” requirement addressed in this memo. CEQA provides only limited exemptions for actions establishing fees – and those limited exemptions only apply if the fees are not designed to increase services or expand a system. (Pub. Res. Code § 21080(b)(8); CEQA Guidelines § 15273.) That is not the case here, since the TUMF itself admits that it is largely intended to expand and improve road facilities. Therefore action on the new TUMF fees is not exempt from CEQA (cf., CEQA Guideline § 15273(b).)

36

Actions like those proposed by WRCOG, adopting new TUMF fees to fund capital projects for the expansion of a system or public service, are subject to CEQA, (CEQA Guideline sec. 15273(b). (See also *Calif. Native Plant Society v. County of El Dorado* (2009) 170 Cal.App.4th 1026 [local action establishing ‘mitigation fees’ must undergo CEQA analysis]; *Terminal Plaza Corp. v. City & County of San Francisco* (1986) 177 Cal.App.3d 892 [before adopting a local ordinance that required new development to either replace hotel units being converted to other uses or to pay in-lieu impact fees, city was required to comply with CEQA].)

MEMORANDUM

TO: Bill Blankenship
FROM: George Lenfestey
SUBJECT: 2016 Nexus Study Review
DATE: April 20, 2017
CC:

Proactive Engineering Consultants West (PECW) was asked by the Riverside County Chapter of the BIA to participate in reviewing the WRCOG 2016 NEXUS study up-date of the TUMF Program.

LANE MILE COSTS

The initial review was limited to confirming that the 2016 up-date had made the Lane Mile Network changes recommended by PECW/BIA when we conducted our last review in 2015. The changes we requested in 2015 to WRCOG related to eliminating new lane improvements from the network which already existed physically on the ground. Many of the changes we requested in 2015 were not made with the 2016 up-date. PECW/BIA had several conference calls with WRCOG staff, and ultimately they agreed with over 90% of our recommendations and up-dated their study accordingly, for a total reduction amount of over \$80,000,000.

1

PLANNING ENGINEERING/CONSULTING COSTS

In addition to reviewing the lane mile network changes, PECW and the BIA continue to question WRCOG on the high “percentage of construction” cost numbers for consulting fees for Planning and Engineering. TUMF uses a flat 10% of construction cost for “Planning Consulting Fees” and 25% for “Engineering Consultant Fees”. Both are two times the average regional cost for public works planning and engineering consulting. When questioned about the high numbers (which currently total over \$640,000,000 in the 2016 up-date) WRCOG responded that they are told by the public works directors that 10% for planning and 25% for engineering is needed. If the consulting percentages were reduced to industry standards of 5% for planning and 12% for engineering, the total cost would reduce by more than **\$320,000,000**.

2

Based on first hand experience with several very complex TUMF road widening projects within the City of Moreno Valley (Cactus, Nason & Kitching), the total planning and engineering fees contracted by public bid were only at 15% of the construction cost. Most TUMF projects are not as involved and as expensive to plan and engineer as these three examples. When applying a flat percentage to construction cost to determine consulting fees, an average construction project should be used- not the most complicated or most straight forward.

In Addition, PECW consulted with a principal at a national engineering company who has worked in the Southern California region for 25 plus years on interchange projects. Below is his breakdown of all the consulting fee required for preliminary and final engineering of a "Type 2" interchange as described by TUMF:

- 1) PSR- \$200,000 plus \$100,000 for Caltrans review
- 2) PR/EIR- \$1,000,000
- 3) Final Engineering- \$3,000,000
- 4) Const. Support- \$200,000

Total- \$4,500,000. TUMF is using $35.0\% \times \$25,558,000$ (construction cost for Type 2 interchange) = \$8,945,300. The actual industry standard cost for planning and engineering interchange improvements are one half of amount stated in the TUMF study.

RIGHT OF WAY COSTS

The last issue PECW was asked to review was the cost to acquire Right of Way (ROW) for the Land Use Category 2. TUMF identifies three separate land use categories within the network. Land use 1 (for developed urban areas), Land Use 2 (developed suburban areas) and Land Use 3 (for undeveloped rural areas). The 2016 up-date increased all three categories, however Land Use 2 increased by 280%. The study calculated the cost to acquire Right of Way by a simple formula: (segment length x number of new lanes x cost per lane mile). The cost for acquiring R/W in Land Use 3 is \$287,000 per lane mile. The cost for acquiring R/W in Land Use 2 is \$2,263,000/lane mile. There are two major flaws with the Nexus study in their calculations for determining cost of Right of Way.

- 1) The study does not make any adjustments for segments where portions of, or all of the Right of Way needed for the new lane construction is already dedicated.
- 2) The study does not make any adjustments for segments where portions of, or all of the Land Use Categories are actually 3 (undeveloped) and not 2 (developed).

There are over 210 road segment on the network with a total Right of Way cost of \$798,781,000 plus a 10% contingency. PECW reviewed 30 of the most expensive road segments within the network which represented approximately \$394,428,000 or approximately 50% of the total cost. Using the County of Riverside's web site, we were able to verify numerous road segments where all or a portion of the required Right of Way had already been dedicated. Using Google Earth we were able to determine numerous segments where all or a portion of the Land Use 2 (developed) should be revised to Land Use 3 (undeveloped). After making the correction to the calculations the cost for Right of Way reduced from \$398,428,000 to \$133,536,060 (0.335% reduction). If this same percent reduction is applied to the total, the Right of Way cost would reduce from \$798,781,000 to \$267,717,000. With contingency applied, this would reduce the cost for Right of Way acquisition by **\$584,170,000**.



The 30 facilities PECW studied were located throughout the service area of Riverside County including most cities and unincorporated areas and represents approximately 50% of the total cost allocation for right of way acquisition. BIA/PECW recommended to WRCOG that they review and confirm our findings and continue to study in detail the 30 next highest priced facilities which represents an additional cost of \$181,000,000. The top 60 facilities out of the 210 total road way segments represents over \$575,000,000 or approximately 72% of the right of way cost within TUMF network.

To review the 30 road segment referenced in this memo, please click on the link below.

<https://www.dropbox.com/sh/pmiohif5ti8ciym/AABELewVDkYS9g5BzZybu2wDa?dl=0>

April 21, 2017

Western Riverside Council of Governments
4080 Lemon Street
3rd Floor, MS 1032
Riverside, CA 92501-3609

Email: gray@wrcog.cog.ca.us

Attention: Christopher J. Gray, Director of Transportation

Reference: Draft 2017 TUMF Nexus Study

Gentlemen,

KWC Engineers has received and reviewed your recent Draft 2017 TUMF Nexus Study. Our firm represents Castle & Cooke who has for the past 15+ years been developing 2,000+ acres in the City of Lake Elsinore within their Alberhill District area. WRCOG major regional transportation projects within the City are important to supporting ongoing development.

In our review of the Nexus Study we have seen how the WRCOG has included TUMF eligible facilities within and adjacent to our Alberhill project, particularly along the Temescal Canyon Road, Lake Street and Nichols Road corridors, along with the I-15 Freeway interchanges at Lake Street and Nichols. In addition, WRCOG has added other additional significant TUMF eligible improvements within Lake Elsinore which bodes well with the emerging development within the City. We understand that City's management and WRCOG have spent significant time selecting projects within the City. Based on the proposed TUMF Study, we have estimated that Castle & Cooke's projects will generate over \$100,000,000 in TUMF revenue to WRCOG. The amount of TUMF eligible improvements is significantly improved over the 2009 Nexus Study. We are in support of those TUMF eligible facilities that are currently proposed in the Draft TUMF 2017 Nexus Study.

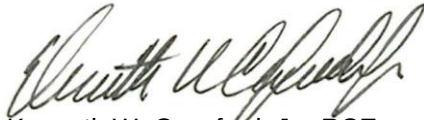
Our other comment of the study is relative to the proposed fee increase, particularly for single and multi-family housing, and commercial development. As always we are concerned when fee increases are required of developers, and in this case the significant increase of \$3.00/SF for the commercial fee will be challenging for those of us developing commercial property. Our suggestion to WRCOG is to consider a phased fee increase over time for all your fee increases.

On behalf of Castle & Cooke, we support the TUMF Nexus Study and we ask for your consideration of our suggestion for the phased fee increase over time.

Should you have any questions, and/or comments, please feel free to contact me directly.

Sincerely,

KWC ENGINEERS



Kenneth W. Crawford, Jr., RCE
President
(951)734.2130 Ext. 204
ken.crawford@kwcengineers.com

cc: Laura Whitaker – Castle & Cooke
Mark Jones – Jones & Beardsley
John Giardinelli – Giardinelli Law Group

Strategically Engineering our Client's Vision



March 15, 2017

Rick Bishop, Executive Director
Christopher Gray, Director of Transportation
Western Riverside Council of Governments
4080 Lemon Street
3rd Floor, MS 1032
Riverside, CA 92501-3609

Rick Bishop and Christopher Gray:

NAIOP, the Commercial Real Estate Development Association, is the leading organization of developers, owners, and related professionals in office, industrial, retail and mixed-use real estate. The NAIOP Inland Empire Chapter covers Riverside and San Bernardino Counties. NAIOP members are proud to develop through research, discussion, and exchange of information better standard for the development and operation of industrial and office properties in the Inland Empire.

Our mission is to advance the real estate profession, contribute to the greater community in which we all live and work and positively impact the economic development and improved quality of life throughout the Inland Empire.

As an industry group, we appreciate the effort WRCOG took to involve NAIOP as a stakeholder in your study and decision making process. We understand the need to raise fees from time to time and continue to remember and appreciate WRCOG's willingness to lower fees in difficult economic times. We hope the stakeholder process WRCOG undertook becomes a model for future decision making in the County and we support the newly proposed TUMF fee.

We look forward to working together and are available as a resource, please do not hesitate to contact us and keep us on your distribution list with updates going forward.

Sincerely,

Robert Evans
Executive Director

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Devon Sulli, Executive Assistant

Pacific Retail Partners

April 20, 2017

Western Riverside Council of Governments (WRCOG)

4080 Lemon Street, 3rd Floor, MS1032

Riverside, CA 92501-3609

Mr. Christopher Gray, Director of Transportation

RE: Comments to the Draft TUMF Nexus Study (published online on 4/12/17)

Mr. Christopher Gray:

Thank you for the opportunity to respond.

My company, Pacific Retail Partners, is in the shopping center development / brokerage business. We have been active in the Inland Empire since our inception in 1992. We own and operate several shopping centers in Riverside County and have 3 projects currently under construction.

We have had to deal with all the development fee increases over the past 10 years and are now asked to deal with a TUMF increase. While we have paid the current TUMF fee, it has become a greater and greater burden as construction costs (hard and soft) and other city fees have increased while rents remained relatively flat (comparable to rents prior to the recession 2008).

The TUMF calculation for the retail fee has always been confusing for us. We believe it has been inaccurate since inception.

Our concerns regarding the Nexus Study and the TUMF fee program are as follows:

- 1) The methodology does not reflect reality. A Shopping Center is a “follower” of the residential market. Homes are built first (and therefore create the first trip to the new area), then a new Shopping Center becomes viable. Many of the trips to Shopping Centers are simply serving the passer by trips already created by the residential properties.

Pacific Retail Partners

Letter
A9
Cont.

- 2) We use the term "Shopping Center" intentionally. A Shopping Center is a mix of "Retail" and "Service". There is a mix of these uses in a Shopping Center. Uses like a drycleaner, hair salon, food establishments, banks, credit unions and dentists all fall under Service. We have been paying a TUMF fee on our Shopping Centers based upon the "Retail" fee structure, while more than 50% of shop space today is not Retail, but rather Service. The county may have been over collecting against Shopping Centers since the inception of TUMF.

2

- 3) The Shopping Center world is changing rapidly. The internet has become a strong competitor and Shopping Centers will need to reinvent themselves. Paying the largest fee per square foot currently and now being asked to pay the largest increase will severely hurt the industry. Also, we would like to confirm that the new study contemplates all the new "delivery truck" trips from fulfillment centers. These "Delivery Trips" should reduce retail trips.

3

- 4) We think cities and counties still want retail for the tax dollars. Punishing retail with the largest fee and increase seems counterproductive to this goal. Fees (all fees) for a Shopping Center currently being developed in Riverside County cities is fast approaching \$40/sf. In addition to fees, Shopping Center developers are asked to pay mitigation "fair share" costs for road improvements not covered by a transportation fee or program. These costs are just fees under a different name.

4

We would like to meet to discuss the above questions / concerns.

Please provide a copy of this letter to the attached Executive Committee.

Thank you.

Sincerely,



Joe Meyer

Pacific Retail Partners

Cc: Tom Swieca, Fountainhead Development

1949 Arroyo Drive, Riverside, CA 92506
(951) 248-1100

Executive Committee

Western Riverside Council of Governments
4080 Lemon Street, 3rd Floor. MS1032
Riverside, CA 92501-3609
(951) 955-7985

The Executive Committee is WRCOG's decision-making policy board. The Executive Committee is comprised of elected officials from each of WRCOG's member agencies, and meets monthly to discuss policy issues and consider recommendations from WRCOG's Technical Advisory Committee. The Riverside County Superintendent of Schools is currently an ex-officio member of the Executive Committee.

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Chuck Washington (2nd Vice-Chair)

Supervisor, County of Riverside District 3

Brian Tisdale (Past Chair)

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Superintendent, Riverside County Superintendent of Schools (ex-officio)



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CORONA DIVISION

April 28, 2017

Mr. Christopher Gray

Western Riverside Council of Governments

4080 Lemon Street

3rd Floor, MS 1032

Riverside, CA 92501

RE: Support for the TUMF Nexus Study

Dear Christopher:

On behalf of the hundreds of employers we work with daily, thank you to WRCOG for your work to update the Transportation Uniform Mitigation Fee (TUMF) program through the completion of the required nexus study.

TUMF is a key part of Riverside County's multi-jurisdictional public-private policy strategy to build great infrastructure and great communities and this nexus study helps keep the program on track for the challenges ahead for developers and communities.

The inclusion in the TUMF program of important funded projects of regional impact and significance, including the westernmost portion of the Cajalco Parkway/Interstate 15 interchange expansion, will help the City of Corona complete this project decades earlier than projected. In addition, by including this project in the nexus study, WRCOG recognizes the importance of completing the entire Cajalco Interchange project on a timeline that nearly matches the I-15 project expansion by RCTC that begins right at Cajalco meaning tens of thousands of commuters from Western Riverside will benefit greatly from the up-to-date infrastructure and reduced traffic.

Jobs and economic development in the Western Riverside County region require great infrastructure like the projects supported in the nexus study and we respectfully request the adoption of the nexus study by WRCOG leadership.

Thank you again for your hard work and we look forward to working with you to complete this great project for Western Riverside County.

Sincerely,

Bobby Spiegel, President | CEO

CORONA Chamber of Commerce

Office 951.737.3350 or Cell 951.733.1836

**Letter
A10**



**Letter
A11**

April 28, 2017

Mr. Christopher Gray
Western Riverside Council of Governments
4080 Lemon Street
Riverside, CA 92501

RE: Support for the TUMF Nexus Study

Dear Christopher:

We are the managing partner for Arantine Hills Holdings, LP, owners of the Arantine Hills project in south Corona, and we would like to thank you and the WRCOG for your diligent efforts to update the Transportation Uniform Mitigation Fee (TUMF) program through the completion of the required nexus study.

TUMF is a key part of Riverside County's multi-jurisdictional public-private policy strategy to build great infrastructure and great communities and this nexus study helps keep the program on track for the challenges ahead for developers and communities.

The inclusion in the TUMF program of important funded projects, including the westernmost portion of the Cajalco Parkway/Interstate 15 interchange expansion, which is fully funded and out to bid currently, will help the City of Corona complete this project up to 20 years earlier than projected, serving tens of thousands of commuters daily throughout Western Riverside County. In addition, by including this project in the nexus study, WRCOG recognizes the importance of completing the entire Cajalco Interchange project on a timeline that nearly matches the I-15 project expansion by RCTC that begins right at Cajalco.

The completion of these two projects on complementary timelines will have an incredibly positive impact on families, commuters, employers, and the entire Western Riverside region and we thoroughly support and urge the adoption of the nexus study by WRCOG leadership.

Thank you again for your hard work and we look forward to working with you to complete this great project for Western Riverside County.

Sincerely,

John Sherwood
Vic President, Community Development
The New Home Company

85 Enterprise, Suite 450, Aliso Viejo, CA 92656 • T 949. 382. 7800 • NWHM.com



MEMORANDUM

To: Christopher Gray, Christopher Tzeng, and
Daniel Ramirez-Cornejo, WRCOG

From: Teifion Rice-Evans and Jenny Lin

Subject: Peer Review of the Transportation Uniform Mitigation Fee
(TUMF) Nexus Study 2016 Update Final Report: DRAFT
February 28, 2017; EPS #151155

Date: April 12, 2017

The Economics of Land Use



Economic & Planning Systems, Inc. (EPS) was asked by WRCOG to conduct a peer review of the TUMF Nexus Study 2016 Update prepared by Parsons Brinckerhoff and dated February 28, 2017 (Nexus Study Update). The overall purpose of this Peer Review is to indicate whether the Nexus Study Update provides a reasonable approach to establishing the necessary nexus as defined by the requirements in the Mitigation Fee Act (also known as Government Code 66000 et seq. and AB1600). EPS is a land use economics and public finance consulting firm that frequently prepares nexus studies for California public agencies and reviews them for different stakeholders. Our peer review and comments are based on that expertise and experience.

Our overall finding is that the Nexus Study Update follows a reasonable methodology, makes the necessary Mitigation Fee Act findings, includes accurate calculations, and establishes a reasonable maximum, updated TUMF fee.

In implementing the program, it will be important for WRCOG to ensure that the non-fee funding required for the portion of costs that cannot or will not be covered by the TUMF fee are obtained and allocated.¹ This is the funding required for the unfunded existing needs/deficiencies identified in the Nexus Study Update as well as the funding required to backfill any fee exemptions (e.g., government buildings), discounts (e.g., Class A/B Office), unique trip characteristics (e.g., high-cube warehouses, fuel filling stations, wineries etc.), and fee adjustment phase-ins (as being proposed).

Economic & Planning Systems, Inc.
One Kaiser Plaza, Suite 1410
Oakland, CA 94612-3604
510.841.9190 tel
510.740.2080 fax

Oakland
Sacramento
Denver
Los Angeles

www.epsys.com

¹ The Nexus Study Update notes on page 8 that: "The available alternative funding sources were reviewed as part of the Nexus update, specifically including the completion of a detailed review of available federal, state, and local funding sources administered by the RCTC".

This Peer Review memorandum is divided into several sections, corresponding with components considered critical by EPS to any nexus study update: (1) appropriate consideration of/adjustments for the complexities of fee updates (relative to initial fee establishment); (2) Mitigation Fee Act findings rationale/narrative; and (3) technical analysis from the perspectives of consistency with the rationale, reasonableness of technical decisions, and calculation accuracy.

It is critical to note that **this Peer Review does not**: (1) review the source data of assumptions (e.g., ITE trip generation manual, SCAG 2016 RTP forecasts, among many others); (2) review the transportation project lists or unit cost assumptions; or (3) evaluate the transportation model, modelling, or standards applied.² These items are all beyond the scope of this Peer Review.

Fee Update Complexities

The unique challenge in conducting fee updates is to ensure that there are no conflicts/issues between the original/prior fee study and the new fee study. Some of these conflicts can be avoided by a well-established initial fee program where appropriate flexibility is included in the implementing documents (e.g., Nexus Study and Ordinance) to allow for adjustments to project lists and other key inputs. The other key issue is to ensure an appropriate accounting for the collection of TUMF revenues (and their use/application) under the prior fee schedule/nexus study and the updated nexus study. Based on conversations with WRCOG staff, it is our understanding that (1) the overall TUMF Program provides the flexibility to refine program parameters over time (for example, allowing for changes in the transportation improvement project list as has occurred in the TUMF Nexus Study Update), and (2) reviews have been conducted that indicate the TUMF revenues expended to date have been appropriately used and that any remaining fee balances have been accounted for in the TUMF Nexus Study Update to avoid double-charging development for the same capital improvements.

Mitigation Fee Act Findings

Development impact fees, such as the TUMF, are adopted under the Mitigation Fee Act which requires an appropriate “nexus” between new development and the proposed capital improvements. The TUMF Nexus Study Update provides the rationale for its nexus and the support for the necessary nexus findings throughout the Nexus Study Update. The most direct summary of the overall rationale is provided in *Section 5.1* (pages 53/43) of the TUMF Nexus Study Update. The technical mechanics and assumptions associated with the nexus rationale and findings are covered in more detail in the subsequent Technical Analysis section. This section summarizes the TUMF Nexus Study Update nexus rationale for five of the key requirements outlined in the Mitigation Fee Act (the bolded portion of points below are from the Mitigation Fee Act and are followed by a summary of the TUMF Nexus Study Update's rationales/responses):

- 1. Purpose: Identify the purpose of the fee.** The purpose of the updated TUMF fee is to alleviate future congestion caused by new development and to provide adequate mobility to transit-dependent travelers.

² Where the source or derivation of key assumptions was unclear, the Peer Review does point this out.

2. **Use: Identify the use to which the fee is to be put.** The TUMF revenues will be used to fund capacity improvements/enhancements to the arterial roadway system as well as improvements to the public transit system. Arterial system improvements could include new or realigned roads, additional lanes on existing roads, new or expanded bridges, new or upgraded interchanges, or grade separation of at-grade crossings.
3. **Relationship: Determine how there is a reasonable relationship between the fee's use and the type of development on which the fee is imposed.** The expected significant growth in residential and nonresidential development in Western Riverside County will result in increasing congestion on arterial roadways. A reasonable level of mobility (as supported by transportation system improvements) is required by new households and businesses occupying new residential and nonresidential development. The use of the TUMF fees is specifically designed to mitigate the cumulative regional impacts of this new development moderating congestion levels for new development. The technical analysis (as discussed further below) uses transportation modelling analysis to identify existing transportation needs/deficiencies to ensure the TUMF fee revenues are not used to fund improvements whose need is unrelated to new development.
4. **Need: Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.** As noted above, the expected significant growth in residential and nonresidential development in Western Riverside County will result in increasing congestion on arterial roadways. Without improvements to the transportation system, congestion will increase and travelers will experience worsening travel conditions with slow travel speeds and lengthy delays. All capital improvements (including roadway improvements and public transportation) were selected to serve inter-community travel and thereby alleviate congestion. The transportation model analysis indicated that the completion of the proposed improvements would improve regional mobility (including a 13 percent reduction in total peak period vehicle hours of travel, a 34 percent reduction in peak period hours of delay, and a 16 percent reduction in the share of traffic experiencing congestion in the peak periods).
5. **Proportionality: Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.** As discussed in more detail in the subsequent section, the Updated Nexus Study establishes the relationship between the costs attributable to new development and different types of new development/land use by (1) continuing the distinctions between broad land use categories (single-family residential, multifamily residential, industrial, retail, service, and government buildings/public); (2) allocating costs based on transportation generation/demand characteristics (e.g., Vehicle Miles Traveled (VMT), trip generation rates, and service population (for transit improvements); and (3) allocating only the costs of improvements (or portions of improvements) that are associated with new development (i.e., do not address existing needs/deficiencies).

Technical Analysis

The TUMF Nexus Study Update Final Report (Draft February 28, 2016) represents the latest version of the TUMF Nexus Study Update. Prior drafts have been issued, reviewed, and critiqued, and the latest TUMF Nexus Study Update has made a number of refinements since the last formal draft (Draft 2015 Nexus Study). It is our understanding that some of these

refinements include incorporation of more current information (e.g., the 2016 SCAG RTP growth forecasts); others include important adjustments (e.g., removal of completed transportation projects from the project list); and others are the result of efforts by Western Riverside County jurisdiction policy-makers, WRCOG staff, and their consultants to ensure that only key transportation improvement projects are included in the transportation project list (and associated fee calculation).

Because of the regional nature of the TUMF Program and the large number of jurisdictions and subareas involved, the TUMF Nexus Study requires even more steps than the typical (and already often complicated) transportation impact fee analysis for a single jurisdiction. As noted above, additional complexities are added when updating fee programs compared to their initial establishment. *Figure 1.1, page 5*, in the Nexus Study Update provides a good overview flowchart of the large number of technical steps followed by a step-by-step discussion

In order to review the accuracy of the technical calculations and highlight the key assumptions/methodologies employed, EPS developed a tableset that replicates the core dynamics/assumptions of the updated TUMF fee calculations and reviewed the descriptions/explanations included in the TUMF Nexus Study Update. This review and tableset supported the evaluation of the technical accuracy of the calculations and the consistency between the study narrative and calculations and the identification of critical assumptions and sources. It should be noted, that the tableset does not replicate all the calculations/components of the Nexus Study Update. It also should be noted that for rounding reasons, some of the numbers reports in the EPS tableset are slightly different from those in the Nexus Study Update.

The key components of the TUMF technical analysis that were evaluated and highlighted are described below with reference to the TUMF fee calculation summary tableset (**Tables 1 through 9** below).

Total TUMF Network Capital Improvement Costs

The TUMF Nexus Study Update notes that the identified TUMF network includes transportation improvements that serve inter-community travel and that will require future improvement to alleviate congestion. Once all TUMF projects completed by the end of 2015 were removed, the total cost of the TUMF network transportation improvements summed to **\$3.74 billion**, as shown in **Table 1**. This includes three primary components:

- Arterial Highway/Street Improvements total **\$3.54 billion** (excluding habitat mitigation costs) and represent about 94.5 percent of the total TUMF network transportation improvement costs. Cost detail is provided for all the transportation improvement projects in the Nexus Update Study.
- Transit improvement total **\$153.2 million** and represent 4.1 percent of the total TUMF network transportation improvement costs. The Nexus Study Update identifies the proposed transit improvements and provides the associated cost estimates.
- The total contribution through the MSHCP for TUMF project environmental impacts is assumed to be **\$46.9 million** or 1.3 percent of the total TUMF network transportation improvement costs. Environmental mitigation costs would be incorporated into the individual project cost without the regional Western Riverside Conservation MSHCP. The Nexus Study

Update cites MSHCP documents, though the derivation of this mitigation contribution amount is not provided.³

Table 1 Transportation Cost Estimates – Gross and Net

Item	All Transportation Improvement Costs (including mitigation)	Arterial Highway/ Street Improvements	Transit Improvements	Habitat Mitigation (MSHCP)
Gross Project List Cost	\$3,740,314,000	\$3,540,337,000	\$153,120,000	\$46,857,000
<i>minus</i> Obligated/ Dedicated Funds (for existing needs and new needs)	\$209,933,500	\$209,933,500	\$0	\$0
<i>minus</i> Unfunded Existing Needs/ Existing Deficiencies	\$510,274,500	\$447,586,500	\$60,481,000	\$2,207,000
Net Project List Costs	\$3,020,106,000	\$2,882,817,000	\$92,639,000	\$44,650,000

Source: TUMF Nexus Study 2016 Update (DRAFT February 28, 2017) - Parsons Brinckerhoff; EPS.

Existing Transportation Needs and Funding

The TUMF fee cannot pay for existing deficiencies in the transportation improvement network or pay for improvements (or portions of improvements) that are already funded. Once existing deficiencies/needs and funding were removed, the net cost of the TUMF network transportation improvements was **\$3.02 billion**, including \$2.88 billion for arterial highway/street improvements and \$92.6 million for transit improvements (see **Table 1**). The adjustments shown are as follows:

- The Nexus Study Update consultants worked with the relevant public agencies to determine that **\$209.9 million** was already allocated towards TUMF network arterial highway/street improvements.
- The Nexus Study Update used the transportation model to determine where new TUMF transportation projects would help resolve existing needs in the network and where the improvements would only be required to accommodate new development. In sum, **\$447.6 million** in TUMF unfunded project improvement costs were associated with existing needs in the arterial highway/street improvement projects (about 12.5 percent of total highway/street improvement costs).
- The TUMF transit improvement costs were also allocated between existing needs and future needs. The allocation to existing needs/demand was tied to the estimated share of future transit trips from existing development, about 39.5 percent of future transit trips. This represented about **\$60.5 million** of the TUMF transit improvement costs.

³ The Nexus Update Study notes that MSHCP-related studies indicated pre-MSHCP historical level of an additional 3 to 5 percent in transportation project costs to mitigate for environmental impacts. The MSHCP mitigation fee nexus study assumes a 5 percent of project cost payment to support MSHCP implementation.

TUMF Fee Eligible Costs

Table 2 estimates the total TUMF fee eligible program costs; i.e., the total (maximum) costs that could be funded by the TUMF fees. As indicated, the full net cost of \$3.02 billion for the TUMF network improvements are included. While existing development will use the new transportation improvements, because existing deficiencies are accounted for (see above), the Nexus Study Update allocates the remaining net costs to new development. In other words, the additional new capacity improvements (once existing deficiencies have been netted out) and the identified net costs are only required due to new development and would not be undertaken “but for” new development.

In addition, consistent with other development impact fee programs throughout California, the various costs of administering the TUMF program can be included. The Nexus Update Study indicates a TUMF administrative cost of \$119.0 million. This represents an addition of 3.9 percent above the net TUMF project costs; this is generally consistent with other development impact fee programs. Adding in the administrative costs, the total TUMF fee funding eligible cost is **\$3.14 billion**.

Table 2 TUMF Eligible Costs

Item	Cost/ Assum.
Net Project Cost (after existing need/ dedicated funding)	\$3,020,106,000
Allocated to TUMF	100%
TUMF Project Costs	\$3,020,106,000
TUMF Administrative %	3.9%
TUMF Administrative Costs	\$119,018,240
Total TUMF Eligible Fee Program Costs (inc. Administrative Costs)	\$3,139,124,240

Source: TUMF Nexus Study 2016 Update (DRAFT February 28, 2017) - Parsons Brinckerhoff; EPS.

Development Forecast

The amount and type of new development is a critical driver of the need for new transportation improvements as well as different types of transportation demands/needs generated. The development forecast is a critical component of most development impact fee calculations. The Nexus Study Update uses the latest growth and development forecasts for Western Riverside County, the SCAG 2016 RTP forecasts. There are other sources of forecasts for growth and

development in Western Riverside County, though the Nexus Study Update considers these forecasts to be the best available.

Table 3 summarizes the forecasts for new residential units (households/housing) and new jobs. As shown, a total of about **250,000 new housing units** are forecast to be developed between 2012 and 2040, representing an annual average growth of about 8,900 each year and an overall growth of 48 percent over this period. The residential growth is forecast to be about 70 percent single-family development and 30 percent multifamily development, consistent with the existing distribution.

The forecasts for job growth are higher and include a total of about **401,000 new jobs** between 2012 and 2040, representing an annual average growth of about 14,300 jobs each year and an overall growth of 87 percent over this period. The amount and pace of job growth was highest in the service sector at 275,000 new jobs representing almost 70 percent of the new job growth and more than doubling of the existing number of service jobs. The second highest growth is forecast for the industrial sector with over 80,000 new jobs between 2012 and 2040, a two-thirds increase in the current number of industrial jobs.

Table 3 Western Riverside County Growth Forecast

Item	2012	2040	2012-2040 Change *		
			Absolute	Ann. Avg.	% Inc.
Residential (Units)					
Single Family	366,588	539,631	173,043	6,180	47%
Multi Family	<u>158,561</u>	<u>235,600</u>	<u>77,039</u>	<u>2,751</u>	<u>49%</u>
Total Residential	525,149	775,231	250,082	8,932	48%
Nonresidential (Jobs)					
Industrial	120,736	201,328	80,592	2,878	67%
Retail	65,888	101,729	35,841	1,280	54%
Service	253,372	528,092	274,720	9,811	108%
Government/ Public	<u>20,791</u>	<u>30,306</u>	<u>9,515</u>	<u>340</u>	<u>46%</u>
Total Nonresidential	460,787	861,455	400,668	14,310	87%

* Columns include absolute growth, average annual growth, and overall percentage growth.

Source: SCAG RTP 2016 Forecasts; TUMF Nexus Study 2016 Update (DRAFT February 28, 2017) - Parsons Brinckerhoff; EPS.

Cost Allocations between Residential and Nonresidential Development

A critical determinant of the transportation impact fees is the methodology used to allocate costs between residential and nonresidential development and, as discussed below, between different residential uses and different types of nonresidential land uses. A number of transportation impact fee studies use a trip generation rate approach to allocating costs between residential and nonresidential land uses and to land uses within each of these broader categories.

The Nexus Study Update, instead, uses a combined Trip Purpose and VMT approach to allocations between residential and nonresidential land uses. The shift in focus to VMT is driven by the emphasis on VMT by SB 643. Standardized information on typical VMT is not, however,

currently available for individual land uses (e.g., multifamily development, industrial development etc.) so trip generation rates were still used to allocate between different residential land uses and different nonresidential land uses.

More important than the choice to use VMT rather than trip generation rates for this broader cost allocation is the focus on Trip Purpose and the associated approach to allocating the VMT associated with each trip purpose between residential and nonresidential uses. Specifically, the Nexus Study Update assumes that the vehicle miles travelled associated with trips that have “home” as their origination or destination should be considered as being driven by residential development. The remaining vehicle miles travelled associated with trips between non-home locations (e.g., between work and retail or from service to service) are all considered as being driven by nonresidential development. This is consistent with the Trip Purpose allocations in the prior Nexus Studies (where trip production was used as the base metric rather than VMT).

The Nexus Study Update indicates that the rationale behind this approach to allocating all “home-based” VMT to residential development was based on the NCHRP Report #187 Quick Response Urban Travel Estimation Techniques and Transferable Parameters User’s Guide (Transportation Research Board, 1978). In particular, it cites the following from Chapter 2 of this report: “HBW (Home Based Work) and HBNW (Home Based Non-Work Trips) are generated at the households, whereas the NHB (Non-Home Based) trips are generated elsewhere”.

As shown in **Table 4**, of the new peak period VMT growth associated with new development of 4.7 million miles, about **71 percent** are associated with “home-based” trips and **29 percent** are associated with non-home related trips. As a result, the total TUMF fee eligible costs of about \$3.14 billion were allocated using these same proportions as follows: **\$2.2 billion to new residential development** and **\$910 million to nonresidential development**.

Table 4 TUMF Cost Allocation between Residential and Nonresidential

Item	VMT/ Cost	%
New Peak Period VMT Growth by Trip Purpose		
Home-Based Trip VMT	3,330,462	71.0%
Non-Home Related Trip VMT	<u>1,359,143</u>	<u>29.0%</u>
Total VMT Growth	4,689,605	100.0%
Allocation of TUMF Fee Program Costs		
New Residential Development	\$2,229,342,129	71.0%
New Nonresidential Development	<u>\$909,782,111</u>	<u>29.0%</u>
Total Fee Program Costs	\$3,139,124,240	100.0%

Source: RivTAM; TUMF Nexus Study 2016 Update (DRAFT February 28, 2017) - Parsons Brinckerhoff; EPS.

Additional Cost Allocation and Fee Calculations

The allocations between different types of residential development and different types of nonresidential and the associated fee calculations were then conducted using the more common trip generation rate basis.

As shown in **Table 5**, the Nexus Study Update used the trip generation rates from the ITE Manual (the 2012 version was used) for single-family and multifamily development along with the forecast number of units to determine the appropriate allocation of the \$2.2 billion in TUMF fee-eligible project improvement costs associated with residential development. This resulted in an allocation of \$1.73 billion in costs to single-family development (77.5 percent) and \$501 million in costs to multifamily development (22.5 percent). This then translates into updated, maximum residential TUMF fees of about **\$9,985 per single-family unit** and about **\$6,500 per multifamily unit**.

Table 5 TUMF Fee Calculation - Residential Uses

Item	New Dwelling Units	Trip Generation (per unit)	Total Trips	%	Cost Allocation	TUMF Fee
Single Family Development	173,043	9.52	1,647,369	77.5%	\$1,728,249,708	\$9,987.40 per unit
Multi Family Development	<u>77,039</u>	6.2	<u>477,642</u>	<u>22.5%</u>	<u>\$501,092,421</u>	\$6,504.40 per unit
Total	250,082		2,125,011	100.0%	\$2,229,342,129	na

Source: ITE Trip Generation Manual (2012); TUMF Nexus Study 2016 Update (DRAFT February 28, 2017) - Parsons Brinckerhoff; EPS.

The approach for nonresidential development requires a similar analysis, though with one additional step. Because the growth forecasts by industry sector were expressed in jobs, the Nexus Study Update had to convert jobs by sector into a measure of new development (gross building square feet). The Nexus Study Update provides estimates of the new gross building square feet required to accommodate the forecasted jobs, including about 105 million square feet for service sector jobs, 64.7 million for industrial sector jobs, 17.9 million square feet for retail sector jobs, and a smaller number for government/public sector jobs (see **Table 5**). This implies square feet per job requirements ranging from 283 square feet per government/public sector job to 803 square feet per industrial job. The Nexus Study Update indicates that the relationship between new jobs and new gross building space required was derived from a range of Southern California studies over the last twenty five years.

As shown in **Table 6**, the trip generation rates from the ITE manual were applied to jobs forecasts for each industry sector to determine the distribution of overall trip generation from each sector. This distribution was then applied to the \$910 million allocation of TUMF fee-eligible project improvement costs to nonresidential development as a whole and divided by the respective gross building square feet by sector to derive the maximum nonresidential TUMF fees. As shown, the maximum nonresidential TUMF fees include about **\$1.90 per gross building square foot of industrial**, about **\$13.00 per gross building square foot of retail**, about **\$4.85 per gross building square foot of service**, and about **\$17.00 per square foot of government / public building**.

Table 6 TUMF Fee Calculation – Nonresidential Uses

Item	Net New Job Growth	Avg Sq. Ft per New Job	New Gross Building Sq. Ft.	Trip Generation (per employee)	Total Trips	%	Cost Allocation	TUMF Fee
Industrial	80,592	803	64,710,138	3.75	302,220	13.4%	\$121,621,598	\$1.88 per sq. ft.
Retail	35,841	500	17,920,500	16.20	580,624	25.7%	\$233,659,067	\$13.04 per sq. ft.
Service	274,720	383	105,211,915	4.60	1,263,712	55.9%	\$508,552,290	\$4.83 per sq. ft.
Government/ Public	<u>9,515</u>	283	<u>2,696,349</u>	12.00	<u>114,180</u>	<u>5.1%</u>	<u>\$45,949,156</u>	\$17.04 per sq. ft.
Total	400,668		190,538,902		2,260,736	100%	\$909,782,111	na

Source: ITE Trip Generation Manual (2012); Various Southern California Land Use Density Documents; TUMF Nexus Study 2016 Update (DRAFT February 28, 2017) - Parsons Brinckerhoff; EPS.

Summary of TUMF Program

Tables 7, 8, and 9 provide some additional summary tables reflecting the Nexus Update Study. **Table 7** shows the updated TUMF fee schedule and applies it to development forecast. As shown, the total TUMF revenue (in 2016 dollars) that would be generated under the updated fee schedule is **\$3.09 billion**, below the \$3.14 billion TUMF eligible cost as public buildings are exempted from the fee program.

Table 7 Updated TUMF Maximum Fee and Revenue Generation Summary

Item	New Development	TUMF Fee	Fee Revenue Estimate	
Residential				
Single Family	173,043 units	\$9,987 per unit	\$1,728,249,708	56%
Multi Family	<u>77,039</u> units	\$6,504 per unit	<u>\$501,092,421</u>	<u>16%</u>
Total Residential	250,082 units		\$2,229,342,129	72%
Nonresidential				
Industrial	64,710,138 sq. ft.	\$1.88 per sq. ft.	\$121,621,598	4%
Retail	17,920,500 sq. ft.	\$13.04 per sq. ft.	\$233,659,067	8%
Service	105,211,915 sq. ft.	\$4.83 per sq. ft.	\$508,552,290	16%
Government/ Public	<u>2,696,349</u> sq. ft.	\$17.04 per sq. ft.	Not Applicable	
Total Nonresidential	190,538,902 sq. ft.		\$863,832,955	28%
Total Fee Revenue (2017\$)			\$3,093,175,084	100%

Source: TUMF Nexus Study 2016 Update (DRAFT February 28, 2017) - Parsons Brinckerhoff; EPS.

Table 8 provides an overall summary of the transportation improvement costs considered in the Nexus Study Update, the maximum expected revenues from the updated TUMF program, and the funding that will be required from other sources. As shown, the transportation improvement and TUMF program administration costs total about \$3.86 billion. Under the updated maximum TUMF fees, the maximum fee revenues sum to \$3.09 billion. The remaining \$766 million in funding includes about \$210 million in obligated funding and an additional \$556 million from other sources. These other sources are expected to include State, federal, Measure A, and local funding sources. As discussed earlier in this memorandum, additional fee adjustments, exemptions, and phase-ins will reduce the revenue from the TUMF fees and increase the funding need from other sources.

Table 8 TUMF Program – Sources and Uses

Item	Amount
USES	
Total Project Costs	\$3,740,314,000
TUMF Program Administration	\$119,018,240
Total Costs/ Uses	\$3,859,332,240
SOURCES	
TUMF Revenues *	\$3,093,175,084
Obligated/ Dedicated Funds	\$209,933,500
Non-Fee Funding Required *	\$556,223,656
Existing Deficiency Component	\$510,274,500
Public/ Gov. Building Component	\$45,949,156
Total Revenues/ Sources	\$3,859,332,240

* Due to the proposed fee increase phase-in and other reasons, the level of non-fee funding would likely be higher and the TUMF revenues lower.

Source: TUMF Nexus Study 2016 Update (DRAFT February 28, 2017)

- Parsons Brinckerhoff; EPS.

Finally, **Table 9** shows the updated, maximum TUMF fee alongside the current TUMF fees. As shown, the fee changes are lowest for multifamily development at 4 percent, next lowest for industrial development at 9 percent, single-family development at 13 percent, and services at 15 percent, and highest for retail development at 24 percent.

Table 9 Potential Change in TUMF Fees

Item	New Metric	TUMF Current (2009 Adoption)	TUMF Updated (2016 Update)	% Change
Residential				
Single-Family	per unit	\$8,873	\$9,987	13%
Multifamily	per unit	\$6,231	\$6,504	4%
Nonresidential				
Industrial	per sq. ft.	\$1.73	\$1.88	9%
Retail	per sq. ft.	\$10.49	\$13.04	24%
Service	per sq. ft.	\$4.19	\$4.83	15%

Source: WRCOG; TUMF Nexus Study 2016 Update (DRAFT February 28, 2017) - Parsons Brinckerhoff; EPS.

Item 5.C

Transportation Uniform Mitigation
Fee (TUMF) Nexus Study Update

Attachment 2

Draft TUMF Nexus Study response
to comments

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Master Responses

- Response MR-1: The purpose of the Nexus Study is to substantiate the maximum allowable TUMF fee for each land use to mitigate the impacts of new growth, which must be approved by the WRCOG Executive Committee. Implementation decisions such as detailed phase in options, are made subsequent to the adoption of the Nexus Study. Any information regarding phasing is not be included in the Nexus Study as any decisions on phasing are subject to change when the Executive Committee approves the Nexus Study. The cover memorandum which WRCOG prepared for the Draft Nexus Study outlined many of these programmatic issues. In September 2016, the WRCOG Executive Committee formed an Ad Hoc Committee to review the Nexus Study components and identify a preferred option to finalize the study. The Ad Hoc Committee recommended that the various WRCOG Committees (including the Public Works Committee, the Technical Advisory Committee, the Administration & Finance Committee, and ultimately the Executive Committee) consider a 2-year freeze and subsequent 2-year phase in for the proposed maximum retail fee, plus a 2-year single-family residential phase-in option for implementation. When the Nexus Study is brought forward for action by the various WRCOG Committees, WRCOG Staff will also be presenting any recommended phasing proposals for consideration at that time as well.
- Response MR-2: The Draft TUMF Nexus Study supersedes the previous Draft 2015 TUMF Nexus Study and incorporates significant changes and revisions including, but not limited to the following: 1) The socio-economic data has been revised to incorporate the latest growth projections from the Southern California Association of Governments (SCAG) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS); 2) WRCOG staff, consultants, and member agency staff completed an extensive exercise to review all of the transportation projects in the Nexus Study, which resulted in the removal of approximately \$300 million in projects based on completed projects and projects which did not meet the criteria for inclusion in the Nexus Study; 3) The Nexus Study has been revised to include funding for future projects in the City of Beaumont, which has agreed to rejoin the TUMF Program once WRCOG approves an updated Nexus Study; 4) Many of the technical items in the Nexus Study have been updated, including data on employees per square feet and the unit cost assumptions for the facilities included in the Program. The unit cost assumptions are the basis for the TUMF Network cost; 5) This Nexus Study also incorporates the use of Vehicle Miles Traveled (VMT) as an element of the fee calculation process, which is a new approach in the TUMF Program and consistent with implementation of SB 743.



2016 TUMF Nexus Study Response to Comments

- Response MR-3: WRCOG staff prepared and distributed responses to all comments received on the 2015 Nexus Study. These responses were made available on the WRCOG Website and distributed. The WRCOG Committees received notification including the Public Works Committee and Executive Committee on January 14, 2016 and February 1, 2016 respectively. The main conclusion of these responses to comments was the need to comprehensively update the Nexus Study in many key areas including the demographic forecasts, the unit costs, the roadway network, and other underlying data in the Nexus Study. Since the 2015 Nexus Study was never approved by the Executive Committee and the 2017 Nexus Study is a new document, WRCOG did not consider it necessary to demonstrate how all of the comments were addressed in the 2017 Nexus Study.
- Response MR-4: The Nexus Study uses updated unit cost assumptions which were developed by the TUMF Nexus Study Consultant (PB) in consultation with WRCOG staff. These unit costs were provided to the Public Works Committee which approved those unit costs for use in the Nexus Study on May 12, 2016. Therefore, no updates will be made to the unit costs as these costs were previously approved. Any changes to the unit costs or unit cost assumptions would require WRCOG to revisit the issue with the Public Works Committee, which would unnecessarily delay the Nexus Study.
- Response MR-5: The purpose of the Draft Nexus Study is to substantiate the maximum allowable TUMF fee for each land use, which must be approved by WRCOG Executive Committee. Implementation decisions such as detailed fee calculations or phasing, are made subsequent to the adoption of the Nexus Study. Any information regarding phasing should not be included in the Nexus Study as any decisions on phasing are subject to change when the Executive Committee approves the Nexus Study. The cover memorandum which WRCOG prepared for the 2017 Nexus Study outlined many of these programmatic issues and provided further information about these topics.
- Response MR-6: As part of the Nexus Study update, WRCOG engaged in a comprehensive review of the network by taking multiple approaches. First, WRCOG engaged the services of WG Zimmerman Engineering to review the status of facilities in the Nexus Study, particularly those whom commenters had indicated were complete or partially complete but were funded through the Nexus Study. Second, WRCOG conducted a detailed review of each facility to verify that it met the criteria outlined in the Administrative Plan and Nexus Study for inclusion in the Program. Third, WRCOG allowed each jurisdiction to submit additional requests for projects to be included in the TUMF Network. At the conclusion of this process, WRCOG distributed these project lists to individual jurisdictions and then made further edits as necessary. The proposed network was then distributed to the Public Works Committee and the Executive Committee for their approval which occurred December 8, 2016 and January 9, 2017, respectively. Each WRCOG member jurisdiction had an opportunity to provide comments on the TUMF



2016 TUMF Nexus Study Response to Comments

Network throughout this process and no further changes to the network will be forthcoming. The only possible network edits will be to remove any completed or partially completed projects based on a review of existing conditions for each roadway in question.

Response MR-7: WRCOG understands that various parties such as our member agencies and developers may be concerned about the status of existing agreements involving TUMF facilities. WRCOG would like to remind everyone that Credit Agreements and Reimbursement Agreements are contracts between the various parties. For example, a TUMF Reimbursement Agreement is a legally binding contract between WRCOG and a member jurisdiction. Reimbursement and Credit Agreements are not invalidated with the adoption of a new Nexus Study. Therefore, all of the City's current Reimbursement Agreements will be honored at their current levels regardless of the project status in the 2017 Nexus Study. The April 13, 2017 Public Works Committee meeting included an agenda item where WRCOG formally notified all of its member jurisdictions of the status of these agreements.



LETTER A1
City of Calimesa
Bonnie Johnson, City Manager
April 20, 2017

Response A1-1: WRCOG appreciates the letter of support and looks forward to working with the City of Calimesa as we move forward with the Nexus Study Update. Also, please see MR-1 regarding phasing.



LETTER A2

City of Moreno Valley

Ahmad Ansari, Public Works Director/City Engineer

April 20, 2017

- Response A2-1: Please see MR-3.
- Response A2-2: WRCOG has received several requests regarding a fee reduction for senior housing developments. Currently there is an exemption in the Program for low income/affordable housing. WRCOG has notified the Public Works/Planning Directors Committees that the senior housing component will be addressed through an update to the TUMF Calculation Handbook. The TUMF Calculation Handbook addressed specific categories of developments with unique trip generating characteristics (fueling stations/wineries/high cube warehouses) and senior housing developments will be added as a component in the coming months. WRCOG Staff presented an approach to address this issue to the Public Works and Planning Directors' Committees on May 11, 2017.
- Response A2-3: Please see MR-5.
- Response A2-4: Cities will not be responsible for any reduction in fees associated with phasing. If any phasing is implemented, WRCOG will identify mechanisms within the existing plan to account for the loss in fees.
- Response A2-5: Please see MR-7.
- Response A2-6: Please see MR-6. That information is provided in Exhibit H-2 of the Nexus Study contain the values of obligated funding and existing need. Staff reviewed SCAG's draft 2017 Federal Transportation Improvement Program (FTIP) to determine additional obligated funding that can potentially be removed from the TUMF Network (Staff provided an item to the PWC in August 2016).
- Response A2-7: Please see MR-6.
- Response A2-8: Please see MR-6. Perris Boulevard/SR-60 Interchange is included in the TUMF Network; the existing need calculation on the interchange determined that the facility is operating at a deficient level in the base year and improvements cannot be attributed to new growth consistent with the requirements of AB 1600.
- Response A2-9: Please see MR-3.
- Response A2-10: Please see MR-6. The City requested that the Moreno Beach Drive/SR-60 Interchange be reviewed for potential inclusion in the TUMF Network in 2016. WRCOG included improvements to the overcrossing (bridge component) of the interchange as WRCOG previously provided the City with \$12 million in funding for improvements to other areas of the interchange.



2016 TUMF Nexus Study Response to Comments

Response A2-11:	Please see MR-6.
Response A2-12:	Please see MR-7.
Response A2-13:	Please see MR-7.
Response A2-14:	Please see MR-6. WRCOG did not receive a request from the City during the 2017 TIP Update to add funding for this project.
Response A2-15:	Please see MR-6. Facilities that have differing Max TUMF Share from the Total Cost have been adjusted to reflect these existing need deficiencies and/or obligated funding. Exhibit H-2 of the Draft TUMF Nexus Study contains the amounts of existing need and/or obligated funding for specific facilities.
Response A2-16:	Please see MR-3.
Response A2-17:	Please see MR-6.
Response A2-18:	Please see MR-5.
Response A2-19:	Staff will make this correction.
Response A2-20:	Please see MR-4.
Response A2-21:	Please see MR-4.
Response A2-22:	Please see MR-4. The lighting shown on the master unit cost summary is for traffic signal lighting.
Response A2-23:	Please see MR-4.
Response A2-24:	Please see MR-3.
Response A2-25:	Please see MR-3.
Response A2-26:	Please see MR-6. Staff reviewed SCAG's draft 2017 Federal Transportation Improvement Program (FTIP) to determine additional obligated funding that can potentially be removed from the TUMF Network (Staff provided an item to the PWC in August 2016). Exhibit H-1 reflects figures in the FTIP, which show \$17.9M for the Project.
Response A2-27:	Please see MR-6.
Response A2-28:	Please see MR-4.
Response A2-29:	Please see MR-6.
Response A2-30:	The Exhibits included in the TUMF Network contain disclaimers that the projects sites are subject to change/updates based on the latest information derived from each member agency. "Data and information represented on this map is subject to updates, modifications and may not be complete or appropriate for all purposes"



2016 TUMF Nexus Study Response to Comments

Response A2-31:	Please see MR-6.
Response A2-32:	Note 7 will be updated to reflect correct horizon year (2040).
Response A2-33:	Model run results reflect Riverside County Travel Demand Model (RivTAM) 2012 network provided by Riverside County Transportation Department (RCTD) with updated 2015 arterial network completed by WSP/ Parsons Brinckerhoff, September 2016.
Response A2-34:	Please see MR-6.
Response A2-35:	WRCOG can review this item for potential inclusion provided that the direction is given from the WRCOG Committee structure. Staff presented an item to the Public Works Committee and received direction to move forward with components in the TUMF Calculation Handbook for senior/active adult housing and mixed use development.
Response A2-36:	Please see MR-4.
Response A2-37:	Please see MR-6.
Response A2-38:	Please see MR-6. This particular segment has an existing need component that reduces the total cost value to the Max TUMF Share.
Response A2-39:	Please see MR-6.
Response A2-40:	Please see MR-6.
Response A2-41:	Please see MR-6.
Response A2-42:	Please see MR-6.
Response A2-43:	Please see MR-6. Staff will make the minor name change to the TUMF Network.
Response A2-44:	Please see MR-6.
Response A2-45:	Please see MR-6. WRCOG did not receive a request from the City during the 2017 TIP Update to add funding for this project to the Central Zone TIP. We would remind City Staff that reimbursements are processed only after the Zone collaboratively elects to add funding for a project to the 5-year TIP. Additionally, all of the funding for the Central Zone is currently programmed and providing additional funding for one project would require that funding to another project be reduced.
Response A2-46:	Logistics is related to warehousing in the context of the table and would be reflected under the industrial sector.



LETTER A3

County of Riverside, First District

Kevin Jeffries, Supervisor, First District

April 14, 2017

Response A3-1: Please see MR-1. Additionally, the WRCOG Executive Committee has the options to approve and adopt policies that incentivize particular types of development. Currently in the TUMF Program, there is a discount in TUMF for Class A and Class B office development, as approved by the Executive Committee. Staff can explore bringing forward a policy to discount or exempt local serving retail development. Additionally, Staff is evaluating an update to the fee calculation handbook related to the analysis of developments with a mix of service and retail uses. WRCOG distributed a formal memo regarding TUMF calculation for mixed land use (shopping centers) developments to the Public Works and Planning Directors' Committees on May 11, 2017. This memo is available upon request.

RCTC is conducting a regional transportation study to evaluate a logistics related regional fee. A result of the study could be a new a program that the County and cities in the County could adopt. Such a program would, for example, set a fee on new distribution center warehouses, based on facility size, to address issues related to impacts associated with these types of uses.

Response A3-2: In 2016, WRCOG retained a consultant to conduct a comprehensive review of fees assessed on new development for all TUMF land uses in and around the WRCOG subregion. A key finding of this study concluded that except for the retail land use, fees assessed on new development in western Riverside County are similar to fees assessed on new development in San Bernardino County. The Fee Analysis Study can be reviewed at the WRCOG website (<https://ca-wrcog.civicplus.com/DocumentCenter/View/803>). Because of the findings from the Fee Analysis Study and other consideration the TUMF Nexus Study Ad Hoc Committee recommended that the WRCOG Committee structure consider a 2-year freeze and subsequent 2-year phase in for the proposed maximum retail fee, plus a 2-year single-family residential phase-in option for implementation.

Response A3-3: Please see MR-2. The Nexus Study does not, in and of itself, incentivize certain types of development. The fundamental basis of the Nexus Study fees are the costs of improvements and the level of growth by land use type. For each different type of land use defined in the TUMF (residential, industrial, retail, etc.), fees are assigned primarily based the trips generated by that land use type. Therefore, the differences in fees by land uses ultimately derive from the travel behavior of persons using those land use types.



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In the case of industrial uses, WRCOG acknowledges that there are unique aspects of these uses which make it difficult to fully mitigate impacts. For example, industrial trips tend to use freeway facilities more heavily than arterials. Because of these considerations and others, Riverside County Transportation Commission has commissioned a specific study to determine the feasibility of a logistics fee which would address additional impacts generated by these types of uses which are not addressed by the TUMF Program. WRCOG is participating in that study in an advisory capacity.

Response A3-4: Please see A3.1



LETTER A4

Building Industry Association, Riverside County Chapter

Clint Lorimore, Director of Government Affairs

April 13, 2017

Response A4-1: Please see MR-1.



LETTER A5

**Rutan & Tucker, LLP on behalf of BIA
Dan Lanferman, Rutan & Tucker, LLP
April 19, 2017**

Response A5-1: This comment makes a generalized statement about the nexus requirements of the Mitigation Fee Act, and does not identify specific areas where the Nexus Study fails to comply with state law. Specific comments on the Draft Nexus Study are addressed in this Response to Comments, and all fee requirements have been evaluated under the Mitigation Fee Act and have been found to satisfy the Act's nexus and other requirements. The Nexus Study has been independently peer reviewed to evaluate whether a reasonable approach has established the necessary nexus as required by the Mitigation Fee Act. The peer review concluded that the Nexus Study follows a reasonable methodology, makes the necessary Mitigation Fee Act findings, includes accurate calculations, and establishes a reasonable maximum, updated TUMF Fee.

Response A5-2: On September 27, 2013, California Governor Jerry Brown signed SB 743 into law fundamentally changing the way that transportation impacts are to be assessed pursuant to the California Environmental Quality Act (CEQA). The new law requires CEQA guidelines to be amended to provide an alternative to Level of Service for evaluating transportation impacts. The intent of the change is to introduce alternate criteria that "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." (New Public Resources Code Section 21099(b)(1).) The primary effect of the new law is to establish the use of VMT as the preferred basis for measuring traffic impacts, in recognition of the fact that VMT more accurately reflects traffic impacts as it takes into account both the number of trips being made and the distance of those trips.

Linking the TUMF to VMT enables developers to continue to use TUMF participation as partial mitigation for their cumulative regional transportation impacts under the new SB 743 requirements. Previous input from our member agencies have stressed the importance of maintaining the linkage between TUMF and CEQA. Furthermore, consistent with SB 743, consideration of travel impacts in terms of peak period VMT more accurately reflects the realities of travel behavior as the basis for determining impacts on the regional transportation system by reflecting the peak demands on the system based on the number of trips AND the cumulative distance these trips occupy facilities in the system. Variation in trip length for different trip purposes is important to quantify since the impact associated with a trip is not limited to whether a trip occurs or not. A longer distance trip occupies more roadways over a longer period of time (all else being equal), and therefore goes through



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more intersections and consumes more capacity requiring greater levels of mitigation. As the purpose of the TUMF is to mitigate the traffic impacts of future growth, a VMT based approach better aligns with this purpose than a more simplistic trip-based methodology.

For the purposes of TUMF, VMT by trip purpose is derived from RivTAM for both the base and horizon years, and the growth in peak period VMT on the arterial network in Western Riverside County is used as the basis for calculating the proportional allocation of travel impacts resulting from growth in differing trip purposes and associated land uses. Additionally, cumulative travel demand in the peak period is also measured as the basis for identifying deficient roadway segments to be mitigated as part of the TUMF program, and also to account for existing deficiencies for exclusion from the program. Since RivTAM was developed based on the SCAG regional travel demand model, the underlying model travel characteristics were developed based on national and regional travel behavior surveys, including the 2010 U.S. Census and the 2010 California Household Travel Survey. The methodology for using travel demand models, including RivTAM, as the basis for calculating VMT is consistent with NEPA and CEQA guidance, and accepted industry practice.

- Response A5-3: As stated in Section 4.5 (Existing Obligated Funding) the TUMF network cost was adjusted accordingly to reflect the availability of obligated funds. This includes federal/state/local funding as included in the Southern California Association of Governments 2017 Federal Transportation Improvement Program (FTIP). A total of \$209.9 million in obligated funding was identified for improvements to the TUMF system. As stated in Section 4.6 (Unfunded Existing Improvement Needs) the cost for facilities identified as currently experiencing LOS E or F was adjusted. This was done by identifying the portion of any TUMF facility in the RivTAM 2012 Baseline scenario with a volume to capacity (v/c) ratio of greater than 0.9 (the threshold for LOS E), and extracting the share of the overall facility cost to improve that portion. The unfunded cost of existing highway improvement needs (including the related MSHCP obligation) totals \$449.8 million (Exhibit H in Nexus Study). The approval of SB1 and SB132 will result in an additional \$80 million in TUMF Network cost, for which the Nexus Study has been adjusted to account for recent state legislation.
- Response A5-4: Sections 4.5 (Existing Obligated Funding) and 4.6 (Unfunded Existing Improvement Needs) address accounting for obligated state/federal funding and existing need calculations.
- Response A5-5: Please see A5.1. The Nexus Study provides substantial evidence that is reasonable, credible, and of solid value to support the findings of the Study and meet the requirements of the Mitigation Fee Act.



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- Response A5-6: The Nexus Study contains criteria that a facility must meet to be considered for inclusion in the TUMF Program. Facilities are screened against the criteria before calculations for existing need are conducted.
- Response A5-7: WRCOG is authorized by state law and its joint powers agreement to act within the jurisdiction of its members. The police power is not limited to the jurisdictional boundaries of a public agency. If authorized by their governing bodies, Government Code § 6502 allows two or more public agencies by agreement to jointly exercise any power common to the contracting parties, including the authority to levy a fee, assessment, or tax. *San Diegans for Open Gov't v. City of San Diego*, 242 Cal. App. 4th 416 (2015). "It shall not be necessary that any power common to the contracting parties be exercisable by each such contracting party with respect to the geographical area in which such power is to be jointly exercised." State law recognizes the statewide importance of regional planning for the improvement of highways in that their effects can go beyond agency boundaries. *People ex rel Younger v. County of El Dorado*, 5 Cal.3d 480, 498 (1971); *So. Calif. Roads Co. v. McGuire* (2 Cal. 2d 115, 123 (1934)). A public improvement is not limited to being the municipal affair of the member agency when such project or projects "intrudes upon or transcends the boundary of one or several municipalities . . ." *Wilson v. City of San Bernardino*, 186 Cal. App. 2d 603, 611 (1960).
- WRCOG has the authority to transfer fee proceeds beyond the jurisdictions in which they are collected or generated. WRCOG is authorized by state law and its enabling joint powers agreement to explore avenues for intergovernmental coordination and specifically administer the TUMF fee program on behalf of its member agencies. Pursuant to Gov't Code § 66484, a local ordinance may require the payment of a fee as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges and other thoroughfares. Section 66484 does not limit the fee condition to jurisdictional boundaries of the agency, but allows it to be calculated, collected, and expended based on the area of benefit. Member cities to a JPA may collect fees and remit those fees to the JPA for expenditure outside the jurisdiction.
- Response A5-8: WRCOG utilizes the Zone Transportation Improvement Programs (TIPs) to programmed TUMF funding for priority projects within a specific Zone. In 2016, WRCOG conducted a Five Year Expenditure Report to substantiate the purpose, need and use of regional development impact fees. This Five Year Expenditure Report was reviewed and distributed to WRCOG's committees for their review and comment. This document was approved by our Executive Committee on October 3, 2016.
- Response A5-9: As show the Five-Year Expenditure Report, WRCOG currently has approximately \$50 million in TUMF funds for disbursement to our member agencies, based on a reimbursement process. There are currently 29



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- projects with active reimbursement agreements totaling more than \$50 million. As such, the existing funds which WRCOG maintains are allocated to these projects which were previously completed or under construction. One example project is Nason Street, which was completed and was removed from the Nexus Study. However; WRCOG still has \$10 million of reimbursement to provide to the City of Moreno Valley for expense incurred related to construction.
- Response A5-10: WRCOG analyzed interest collected to date in our Expenditure Report, which were reinvested in the program and are dispersed to reimburse agencies for project expenses. On an annual basis, WRCOG currently accrues only \$400k in interest expenses.
- Response A5-11: This comment makes a general statement of law as to the reasonableness of fees that is required by the Mitigation Fee Act and Proposition 26. The Nexus Study provides substantial evidence that the proposed fees are the reasonable costs to providing necessary facilities and other improvements throughout the TUMF areas of benefit and contain a sufficient nexus to new development.
- Response A5-12: Please see MR-1. WRCOG utilizes the Zone Transportation Improvement Programs (TIPs) to program TUMF funding for priority projects within a specific Zone. In 2016, WRCOG conducted a Five Year Expenditure Report to substantiate the purpose, need and use of regional development impact fees.
- Response A5-13: The TUMF Network was reviewed and approved by the WRCOG Public Works Committee and Executive Committee, in December 2016 and January 2017, respectively. Funding to implement these projects come from a variety of sources. First, approximately 1/3 of all TUMF projects are delivered through fee credit agreements, financing districts, or similar mechanisms. Under these approaches, property owners construct TUMF improvements in exchange for TUMF credits. Second, WRCOG agencies regularly employ a variety of funding mechanisms such as Measure A, local DIF fees, City general funds, other regional funds, state funds, federal funds, grants, and other sources.
- Response A5-14: The TUMF unit cost assumptions were developed utilizing recent data available before approval by the WRCOG Public Works Committee.
- Response A5-15: Sections 4.5 (Existing Obligated Funding) and 4.6 (Unfunded Existing Improvement Needs) address accounting for obligated state/federal funding and existing need calculations.
- Response A5-16: The TUMF Calculation Handbook is utilized by WRCOG to address the TUMF assessment for various categories of development that have unique trip generating characteristics. On November 5, 2012, the WRCOG Executive Committee approved the revised TUMF Calculation Handbook to include a component for Transit Oriented Development.



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	The Handbook was updated to meet the requirement that impact fees for residential projects that meet specified Transit-Oriented Development (TOD) criteria, and to take into consideration the reduction in vehicle trips associated with TODs compared to residential projects without TOD characteristics.
Response A5-17:	The Nexus Study contains criteria that a facility must meet to be considered for inclusion in the TUMF Program. Facilities are screened against the criteria before calculations for existing need are conducted.
Response A5-18:	The TUMF Program specifically limits project eligibility to only capacity expansion in terms of new roadway lanes and new freeway ramp configurations, and associated widening of bridges, etc. The TUMF program specifically excludes projects that do not add new capacity and that are intended only to address maintenance or rehabilitation needs, except to the extent that the rehabilitation of existing roadway lanes, ramps or bridges are necessary as part of a broader capacity expansion project, in which case any associated rehabilitation work must be completed within the maximum TUMF share for the expansion project (i.e. no additional TUMF funding is made available to specifically accommodate rehabilitation costs above and beyond the TUMF maximum share costs associated with an eligible TUMF capacity expansion project).
Response A5-19:	Sections 4.5 (Existing Obligated Funding) and 4.6 (Unfunded Existing Improvement Needs) address accounting for obligated state/federal funding and existing need calculations.
Response A5-20:	Contingency rate of 10% utilized in the TUMF program is significantly less than the industry norm for conceptual cost estimation purposes. Specifically, Caltrans Cost Estimation Guidelines (August 2014) advocate for contingency rates of 30% to 50% of total costs to be used at the conceptual planning phase, with contingency rates reduced to 15% for cost estimation completed during PS&E.
Response A5-21:	See response A5.2
Response A5-22:	See response A5.2
Response A5-23:	See response A5.2
Response A5-24:	See response A5.2
Response A5-25:	See response A5.2. The TUMF nexus primarily utilizes peak hour conditions as the basis for the fee determination, although average and median daily trip generation rates for individual land uses are used on a comparative basis for weighting residential and non-residential fees, respectively, based on the considerably more expansive availability of



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	daily trip generation rate data versus hourly or peak period trip generation rates.
Response A5-26:	See response A5.2. The TUMF nexus primarily utilizes peak hour conditions as the basis for the fee determination to reflect the maximum levels of impact on the transportation system.
Response A5-27:	This statement is factually incorrect. There is an entire section of the Nexus Study (Section 4.6, pages 39-41) which documents the analysis related to Existing Need.
Response A5-28:	The WRCOG Executive Committee approves any policy changes to the TUMF Program, which can include exempting certain types of development. These are policy decisions that the Executive Committee approves through input from member jurisdictions.
Response A5-29:	An impact fee to address future development, the TUMF can only be charged on new development. Existing users on the TUMF Network are addressed through the calculation of existing need (Section 4.6, pages 39-41).
Response A5-30:	Government/public buildings, public schools, and public facilities are exempt from the TUMF, as described in the TUMF Ordinance and Administrative Plan. Though the use is exempt, the Nexus Study contains and describes the process of calculating a fee for this use to ensure that the impact of this use is not being passed on to another land use. Through policy action by the WRCOG Executive Committee, the use is exempt and the cost of the impacts of these uses are not passed onto other land use types.
Response A5-31:	The TUMF Network does not include the freeways of Western Riverside County as these facilities primarily serve longer distance inter-regional trips and a significant number of pass-through trips that have no origin or destination in Western Riverside County. Since pass-through trips have no origin or destination in Western Riverside County, new development within Western Riverside County cannot be considered responsible for mitigating the impacts of pass through trips. Additionally, VMT used as the basis for various TUMF calculations discussed previously specifically excludes the VMT for any portion of the trip that occurs outside Western Riverside County ensuring that only VMT in the TUMF arterial system is being accounted for in TUMF calculations. The application of the VMT methodology allows for the specific exclusion of arterial travel impacts outside of Western Riverside County to more accurately reflect associated impacts compared to prior versions of the TUMF which simply excluded a trip end from the calculation with no real consideration for the proportion of the trip that occurred in Western Riverside County.



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- Response A5-32: The approval of SB132 will result in an additional \$80 million in TUMF Network cost, for which the Nexus Study will be adjusted to account for recent state legislation as obligated funds.
- Response A5-33: Sections 4.5 (Existing Obligated Funding) and 4.6 (Unfunded Existing Improvement Needs) address accounting for obligated state/federal funding and existing need calculations.
- Response A5-34: SB132 obligates State funding for three specific projects included in the TUMF Network. Furthermore, to the extent gas taxes, etc. have been specifically identified in the regional TIP for use on an eligible TUMF project, these funds have been identified as obligated funding in the TUMF Program. Any additional funds raised by SB 1 would not automatically reduce the need for TUMF fees as SB 1 funds can be used for a wide range of projects, in addition to those associated with TUMF. Section 36 of SB 1 states that "Funding for the program (Road Maintenance and Rehabilitation program) shall be prioritized for expenditure on basic road maintenance and road rehabilitation projects, and on critical safety projects. Specifically, projects such as road maintenance and rehabilitation; safety projects; railroad grade separations; complete street components, including active transportation purposes, pedestrian and bicycle safety projects, transit facilities, and drainage and storm water capture projects in conjunction with any other allowable project; and traffic control devices can be funded from the program."
- Response A5-35: The TUMF Program (under the TUMF Administrative Plan) contains a provision which states that if a developer is conditioned to build a portion of the TUMF Network, the developer can receive credit for constructing the TUMF improvements. In addition, TUMF can be collected from a developer where there is a reasonable relationship between the fee charged and the burden posed by new development, even if the developer is required by a WRCOG member agency to construct internal city streets and access roads that are not included in the TUMF Program. Federal and state law does not preclude a member agency from imposing development requirements independent of TUMF for local impacts caused by new development.
- Response A5-36: The proposed action is not a "project" as defined by CEQA. The proposed action is a revision to an existing financing mechanism dependent on future actions to prioritize and schedule improvements to the RSHA. The appropriate environmental documentation will be completed before a project can commence construction.
- The TUMF was developed to mitigate the cumulative impacts of future growth and was not developed to mitigate project-specific traffic impacts. Accordingly the program does not relieve any development project of the responsibility to mitigate project-specific impacts identified in the environmental analysis prepared for the project. When a development



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project is required to construct RSHA facilities as project-specific mitigation, it shall be eligible for credit and or reimbursement.



LETTER A6

Proactive Engineering Consultants West on behalf of BIA

George Lenfestey

April 20, 2017

Response A6-1: Please see MR-6. The TUMF Network will be adjusted accordingly to account for facilities identified by the BIA as completed and/or partially completed. The TUMF Network will also be adjusted to account for obligated funding identified in recent state legislature (SB 132).

Response A6-2: The TUMF Program currently allows planning, engineering and contingency costs for eligible projects to be reimbursed through the Program. The TUMF Nexus Study currently defines planning costs as those associated with "planning, preliminary engineering and environmental assessment costs" with the eligible amount being 10% of the estimated TUMF eligible construction cost only. Engineering costs are defined in the TUMF Nexus Study as "project study report, design, permitting and construction oversight costs" based on 25% of the estimated eligible construction cost only. Contingency is provided based on 10% of the total estimated eligible facility cost.

The estimated cost factors for planning, engineering and contingency were initially established in 2002 by the WRCOG Public Works Committee responsible for the development of the initial TUMF Nexus Study. The percentage multipliers were established by consensus of the PWC based on the collective experience of members in delivering similar public highway projects. Furthermore, the contingency rate of 10% utilized in the TUMF program is significantly less than the industry norm for conceptual cost estimation purposes. Specifically, Caltrans Cost Estimation Guidelines (August 2014) advocate for contingency rates of 30% to 50% of total costs to be used at the conceptual planning phase, with contingency rates reduced to 15% for cost estimation completed during PS&E.

WRCOG has also reviewed the California Multi-Agency CIP Benchmarking Study, which involved several jurisdictions (Los Angeles, Long Beach, Oakland, San Diego, Sacramento, and San Jose) within the State and included components such as performance benchmarking, best management practices, and an online discussion forum. Included in the Study was a review of average delivery costs as a percentage of total project costs. For street projects (including widening/grade separations/bridges/bikeways/pedestrian ways/streetscapes) the average design cost of these types of projects is 31%.

Response A6-3: Since the inception of the Program, the Nexus Study includes an overall 75% global reduction to account for instances in which right-of-way is already secured. Even such, right-of-way is always uncertain and the total cost for right-of-way is not determined until a project is physically



2016 TUMF Nexus Study Response to Comments

under way. BIA analysis show that almost 10 million square feet of right-of-way is needed for the 30 projects in the Network which they sampled (portion of the Program). BIA analysis confirmed that WRCOG understates how much right-of-way is required for TUMF projects by 30-40%. The comment letter does not acknowledge the global 75% reduction as shown on Exhibit F-3 of the Appendices to the Draft Nexus Study.



LETTER A7
KWC Engineers
Kenneth Crawford, President
April 21, 2017

Response A7-1: WRCOG appreciates the letter of support and looks forward to working with KWC Engineers as we move forward with the Nexus Study Update. Also, please see MR-1.



LETTER A8

NAIOP, Commercial Real Estate Development Association

Robert Evans, Executive Director

March 15, 2017

Response A8-1: WRCOG appreciates the letter of support and looks forward to working with NAIOP as we move forward with the Nexus Study Update.



LETTER A9
Pacific Retail Partners
Joe Meyer
April 20, 2017

- Response A9-1: The TUMF nexus accounts for the differing trip generation and attribution characteristics of residential and non-residential uses. Specifically, the allocation of mitigation costs to residential vs. non residential uses is based on trip purpose, with all home based trips, including home based shopping trips, being assigned to the residential use as the primary generator of the trip (consistent with the argument being made). Only work based other or other based other trips (including commercial and retail deliveries) are attributed to non-residential uses. Furthermore, trips for retail and service uses are also adjusted to reflect the influence of pass by trips.
- Response A9-2: WRCOG maintains a Fee Calculation Handbook and Administrative Plan which implement the Nexus Study through the collection of fees at an individual project level. This comment is primarily oriented towards the manner in which fees are collected for retail uses. WRCOG Staff is currently evaluating several approaches to ensure that the fee collection process replicates the assumptions in the Nexus Study. WRCOG Staff has previously met with several stakeholders regarding this topic and would be open to meeting with any stakeholder to discuss these issues or others as it relates to the ongoing implementation of the TUMF Program.
- Response A9-3: Retail development does generate trips that create an impact on the TUMF Network, which is accounted for in the Nexus Study. The WRCOG Executive Committee does have the authority to review particular types of development to make changes in TUMF calculations through policy revisions. The TUMF nexus is based on the latest available information available regarding the trip generation characteristics of specific use types, and the fee is weighted accordingly to reflect the differences in trip generation rates for different uses. Furthermore, the TUMF nexus is updated on a regular basis to account for changes in trip generation characteristics over time.
- Response A9-4: Please see MR-1. In 2016, WRCOG retained a consultant to conduct a comprehensive review of fees assessed on new development for all TUMF land uses in and around the WRCOG subregion. A key finding of this study concluded that except for the retail land use, fees assessed on new development in western Riverside County are similar to fees assessed on new development in San Bernardino County. The study completed can be reviewed on the WRCOG website.



LETTER A10
Corona Chamber of Commerce
Bobby Spiegel, President/CEO
April 28, 2017

Response A10-1: WRCOG appreciates the letter of support and looks forward to working with the Corona Chamber of Commerce as we move forward with the Nexus Study Update.



LETTER A11

The New Home Company

John Sherwood, Vice President, Community Development

April 28, 2017

Response A11-1: WRCOG appreciates the letter of support and looks forward to working with the New Home Company as we move forward with the Nexus Study Update.

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Western Riverside Council of Governments Executive Committee

Staff Report

Subject: Nominations for WRCOG Chair, Vice-Chair, and 2nd Vice-Chair positions for Fiscal Year 2017/2018

Contact: Rick Bishop, Executive Director, bishop@wrcog.coq.c.us, (951) 955-8303

Date: June 5, 2017

The purpose of this item is to nominate new Executive Committee leadership for Fiscal Year 2017/2018.

Requested Action:

Recommend the following to the General Assembly for leadership positions for Fiscal Year 2017/2018:

Chair: Debbie Franklin, Mayor Pro Tem, City of Banning
 Vice-Chair: Chuck Washington, Supervisor, County of Riverside District 3
 2nd Vice-Chair: Bonnie Wright, Councilmember, City of Hemet

The Administration & Finance Committee acts as the nominating Committee for WRCOG's leadership positions on the Executive Committee. The recommendations from this Committee for the positions of Executive Committee Chair, Vice-Chair, and 2nd Vice-Chair for Fiscal Year 2017/2018 will be forwarded to the General Assembly for consideration on June 22, 2017.

Elected officials from WRCOG's member agencies were notified of the opportunity to nominate individuals for the WRCOG leadership positions on April 3, 2017; the deadline to nominate individuals was April 11, 2017. Staff presented the nominations received during that time period to the Administration & Finance Committee for consideration on April 12, 2017. The Administration & Finance Committee's recommendations for the positions are as follows:

Chair: Debbie Franklin, Mayor Pro Tem, City of Banning
 Vice-Chair: Chuck Washington, Supervisor, County of Riverside District 3
 2nd Vice-Chair: Bonnie Wright, Councilmember, City of Hemet

Prior Actions:

May 1, 2017: Due to time constraints at the May meeting, the Executive Committee moved this item to the next meeting.

April 12, 2017: The Administration & Finance Committee recommended the following slate of candidates for WRCOG's Executive Committee Fiscal Year 2017/2018 Leadership positions as follows:

Chair: Debbie Franklin, Mayor Pro Tem, City of Banning
 Vice-Chair: Chuck Washington, Supervisor, County of Riverside District 3
 2nd Vice-Chair: Bonnie Wright, Councilmember, City of Hemet

Fiscal Impact:

This item is informational only; therefore, there is no fiscal impact.

Attachment:

None.