Western Riverside Council of Governments
WRCOG Executive Committee

AGENDA

Monday, October 3, 2022
2:00 PM

Western Riverside Council of Governments
3390 University Avenue, Suite 200
Riverside, CA 92501

IN-PERSON MEETING LOCATION
County of Riverside
Administrative Center
4080 Lemon Street
1st Floor, Board Chambers
Riverside, CA 92501

Join Zoom Meeting
Meeting ID: 858 0593 8303
Passcode: 550593
Dial in: (669) 900 9128 U.S.

SPECIAL NOTICE – COVID-19 RELATED PROCEDURES IN EFFECT

Due to the State or local recommendations for social distancing resulting from the threat of Novel Coronavirus (COVID-19), this meeting is being held via Zoom under Assembly Bill (AB) 361 (Government Code Section 54953). Pursuant to AB 361, WRCOG does not need to make a physical location available for members of the public to observe a public meeting and offer public comment. AB 361 allows WRCOG to hold Committee meetings via teleconferencing or other electronic means and allows for members of the public to observe and address the committee telephonically or electronically.

In addition to commenting at the Committee meeting, members of the public may also submit written comments before or during the meeting, prior to the close of public comment to jleonard@wrcog.us.

Any member of the public requiring a reasonable accommodation to participate in this meeting in light of this announcement shall contact Janis Leonard 72 hours prior to the meeting at (951) 405-6702 or jleonard@wrcog.us. Later requests will be accommodated to the extent feasible.

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

1. **CALL TO ORDER (Crystal Ruiz, Chair)**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **PUBLIC COMMENTS**
At this time members of the public can address the Committee regarding any items within the subject matter jurisdiction of the Committee that are not separately listed on this agenda. Members of the public will have an opportunity to speak on agendized 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 Committee in writing and only pertinent points presented orally.

5. **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 Committee, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Committee request specific items be removed from the Consent Calendar.

A. Assembly Bill 361 Findings

Requested Action(s):

1. Affirm the findings of the Executive Committee in Resolution Number 01-22, adopted on April 4, 2022, which are:
   a. The Governor proclaimed a State of Emergency on March 4, 2020, related to the COVID-19 pandemic, which State of Emergency continues to exist today; and
   b. State or local officials have recommended measures to promote social distancing.

B. Summary Minutes from the September 12, 2022, Executive Committee Meeting

Requested Action(s):

1. Approve the Summary Minutes from the September 12, 2022, Executive Committee meeting.

C. Finance Department Activities Update

Requested Action(s):

1. Receive and file.

D. WRCOG Committees and Agency Activities Update

Requested Action(s):

1. Receive and file.

E. Report out of WRCOG Representatives on Various Committees

Requested Action(s):

1. Receive and file.

F. Housing Legislative Activities Update

Requested Action(s):

1. Receive and file.

G. Cal Cities Activities Update

Requested Action(s):

1. Receive and file.

H. Approval of One TUMF Reimbursement Agreement Amendment

Requested Action(s):

1. Authorize the Executive Director to execute Amendment Number 2 to a TUMF Reimbursement Agreement with the City of Corona for the Planning, Design, Right-Of-Way, and Construction Phases of the Auto Center Drive BNSF Railroad Grade Separation in an amount not to exceed $2,120,000.

I. Approval of Amendment No. 1 to the Professional Services Agreement with AECOM for the Western Riverside County Energy Resilience Plan

Requested Action(s):

1. Approve Amendment No. 1 to the Professional Services Agreement with AECOM authorizing an increase to the contract amount and extra work related to the Western Riverside County Energy Resilience Plan.

6. REPORTS / DISCUSSION

Members of the public will have an opportunity to speak on agendized items at the time the item is called for discussion.

A. Environmental Department Activities Update

Requested Action(s):

1. Receive and file.

B. 4th Quarter Draft Budget Amendment for Fiscal Year 2021/2022

Requested Action(s):

1. Approve the 4th Quarter draft Budget Amendment for Fiscal Year 2021/2022.

C. PACE Programs: Adoption of Unclaimed Refund Policy and Procedure

Requested Action(s):

1. Affirm the recommendation from the Administration & Finance Committee to permit funds from unclaimed PACE refunds to revert to the State of California where valid claims can be honored in perpetuity.

7. REPORT FROM THE TECHNICAL ADVISORY COMMITTEE CHAIR

Rob Johnson, City of San Jacinto

8. REPORT FROM COMMITTEE REPRESENTATIVES

CALCOG, Brian Tisdale
SANDAG Borders Committee, Crystal Ruiz
SAWPA OWOW Committee, Ted Hoffman
SCAQMD, Ben Benoit
SCAG Regional Council and Policy Committee Representatives

9. REPORT FROM THE EXECUTIVE COMMITTEE CHAIR

Crystal Ruiz, City of San Jacinto

10. REPORT FROM THE EXECUTIVE DIRECTOR

Dr. Kurt Wilson

Executive Director Activities Update

11. ITEMS FOR FUTURE AGENDAS
Members are invited to suggest additional items to be brought forward for discussion at future Committee meetings.

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

13. NEXT MEETING
The next Executive Committee meeting is scheduled for Monday, November 7, 2022, at 2:00 p.m., in the County of Riverside Administrative Center, 4080 Lemon Street, 1st Floor, Board Chambers, Riverside.

14. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

1. Significant exposure to litigation pursuant to Section 54956.9(2)(d): One potential case
2. Potential initiation of litigation pursuant to Section 54956.9(4)(d): Four potential cases

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Section 54956.9(d)(1): One case

1. Western Riverside Council of Governments v. National Union Fire Insurance Company of Pittsburgh, PA, U.S. District Court, C.D. Cal., Case No. 5:20-cv-02164-GW (KKx)

15. ADJOURNMENT

Western Riverside Council of Governments
WRCOG Executive Committee

Staff Report

Subject: **Assembly Bill 361 Findings**

Contact: **Dr. Kurt Wilson, Executive Director, kwilson@wrcog.us, (951) 405-6701**

Date: **October 3, 2022**

Requested Action(s):

1. Affirm the findings of the Executive Committee in Resolution Number 01-22, adopted on April 4, 2022, which are:
   a. The Governor proclaimed a State of Emergency on March 4, 2020, related to the COVID-19 pandemic, which State of Emergency continues to exist today; and
   b. State or local officials have recommended measures to promote social distancing.

Purpose:
The purpose of this item is to authorize virtual Committee meetings pursuant to Assembly Bill 361.

WRCOG 2022-2027 Strategic Plan Goal:
Goal #4 - Communicate proactively about the role and activities of the Council of Governments and its members.

Background:
Since the onset of the COVID-19 in early 2020, California government agencies have been able to continue to discharge their legal responsibilities through the use of virtual teleconferencing platforms such as Zoom to hold public meetings that enabled agencies to meet and conduct business, comply with social distancing orders, and most importantly, provide access to the public. WRCOG has been meeting on Zoom since March of 2020, when many Executive Orders were issued by Governor Newsom in response to the pandemic. One such order altered Brown Act requirements to allow for virtual meetings.

Although transmission, hospitalization, and death rates from COVID-19 have sharply declined since the original onset of the pandemic and subsequent Delta and Omicron Variant surges, an air of uncertainty remains regarding the pandemic and many counties continue to recommend masking inside and social distancing. Given that environment and a desire to continue allowing for the flexibility of holding virtual meetings, the Legislature recently approved, and Governor Newsom signed, Assembly Bill 361 (AB 361) to temporarily allow for virtual meetings under proscribed circumstances.

AB 361 amends the Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology in certain circumstances. Under the Bill, legislative bodies can continue to meet remotely as long as there is a "proclaimed state of emergency" and the Executive Committee can make either of the following findings: (a) state or local officials have imposed or recommended measures to promote social distancing, or (b) whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. Even though cases have dropped, AB 361 is expressly intended "to protect the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location" because of physical status.

The Governor proclaimed a State of Emergency on March 4, 2020, related to the COVID-19 pandemic, which continues to exist to this day.

AB 361 requires specific procedural safeguards for the public. To accommodate individuals during these teleconferences and virtual meetings, a public comment period will be offered where the public can address the legislative body directly in real time. Additionally, public comments will be allowed up until the public comment period is closed at the meetings. The agenda will include information on the manner in which the public may access the meeting and provide comments remotely. If technical problems arise that result in the public's access being disrupted, the legislative body will not take any vote or other official action until the technical disruption is corrected and public access is restored.

The attached Resolution allows the Executive Committee to implement AB 361 by making the findings discussed above. These findings will be in effect for 30 days or until the Executive Committee makes findings that the conditions listed therein no longer exist, whichever is shorter. The findings can be extended by the Executive Committee upon a finding that conditions supporting the findings included in the Resolution still exist. The authorization to meet remotely will also apply to any Committees that meet during the 30-day effective period.

AB 361 will allow for virtual meetings during other state-proclaimed emergencies, such as earthquakes or wildfires, where physical attendance may present a risk. AB 361 is scheduled to sunset January 1, 2024.

Prior Action(s):
August 1, 2022: The Executive Committee affirmed the findings of the Executive Committee in Resolution Number 01-22, adopted on April 4, 2022, which are: 1) the Governor proclaimed a State of Emergency on March 4, 2020, related to the COVID-19 pandemic, which State of Emergency continues to exist today; and 2) State or local officials have recommended measures to promote social distancing.

April 4, 2022: The Executive Committee adopted Resolution Number 01-22; A Resolution of the Executive Committee of the Western Riverside Council of Governments Authorizing Virtual Committee Meetings Pursuant to AB 361.

Fiscal Impact:
This item is for informational purposes only; therefore, there is no fiscal impact.

Attachment(s):
Attachment 1 - Resolution Number 01-22: AB 361 findings

WRCOG
Western Riverside Council of Governments

Western Riverside Council of Governments

County of Riverside • City of Banning • City of Beaumont • 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 • Riverside County Superintendent of Schools

RESOLUTION NUMBER 01-22

A RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS AUTHORIZING VIRTUAL COMMITTEE MEETINGS PURSUANT TO AB 361

WHEREAS, the Western Riverside Council of Governments ("WRCOG") is committed to preserving and nurturing public access and participation in meetings of the Executive Committee, Administration & Finance Committee, Technical Advisory Committee, Planning Directors Committee, Public Works Committee, Finance Directors Committee, and the Solid Waste Committee; and

WHEREAS, all meetings of WRCOG's legislative bodies, including its Executive Committee, Administration & Finance Committee, Technical Advisory Committee, Planning Directors Committee, Public Works Committee, Finance Directors Committee, and the Solid Waste Committee, are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend and participate in WRCOG's meetings; and

WHEREAS, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor issued a number of executive orders aimed at containing the COVID-19 virus; and

WHEREAS, among other things, these orders waived certain requirements of the Brown Act to allow legislative bodies to meet virtually; and

WHEREAS, pursuant to the Governor's executive orders, WRCOG has been holding virtual meetings during the pandemic in the interest of protecting the health and safety of the public, WRCOG staff, and WRCOG's Committee members; and

WHEREAS, the Governor's executive order related to the suspension of certain provisions of the Brown Act expired on September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed AB 361 (in effect as of October 1, 2021 – Government Code Section 54953(e)), which allows legislative bodies to meet virtually provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in WRCOG, specifically, a state of emergency has been proclaimed related to COVID-19 and state or local officials are recommending measures to promote social distancing.

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

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Findings. Consistent with the provisions of Government Code Section 54953(e), the Executive Committee finds and determines that (1) a state of emergency related to COVID-19 is currently in effect and (2) state or local officials have recommended measures to promote social distancing in connection with COVID-19.

Section 3. Remote Teleconference Meetings. Based on the findings and determinations included herein, the Executive Committee authorizes and directs any of its legislative bodies, including, without limitation, its Executive Committee, Administration & Finance Committee, Technical Advisory Committee, Planning Directors Committee, Public Works Committee, Finance Directors Committee, and Solid Waste Committee, to conduct remote teleconference meetings under the provisions of Government Code Section 54953(e) and that such bodies shall provide public access to their meetings as provided in Section 54953(e).

Section 4. Effective Date of Resolution. This Resolution shall take effect upon adoption and shall be effective for 30 days unless extended by a majority vote of the Executive Committee in accordance with Section 5 of this Resolution.

Section 5. Extension by Motion; Supersede. The Executive Committee may extend the application of this Resolution by motion and majority vote by up to 30 days at a time, provided that it makes all necessary findings consistent with and pursuant to the requirements of Section 54953(e)(3). Any such extension may be made before or after the expiration of the preceding 30-day period. This Resolution supersedes Resolution Number 26-21.

Section 6. Full and Fair Access. In making the findings included herein, the Executive Committee specifically relies on Section 8(b) of Statutes 2021, c.165 (AB 361, § 3, effective September 16, 2021) which provides as follows:

> (b) The Legislature finds and declares that [the changes made by AB 361 to] Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:
>
> (1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

PASSED AND ADOPTED by the Executive Committee of the Western Riverside Council of Governments on April 4, 2022.

Karen S. Spiegel	
Karen Spiegel, Chair WRCOG Executive Committee	Dr. Kurt Wilson, Secretary WRCOG Executive Committee

Approved as to form:

Steven DeBaun
WRCOG Legal Counsel

AYES: 22 NAYS: Ø ABSENT: 2 ABSTAIN: Ø

WRCOG Executive Committee

Minutes

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1. CALL TO ORDER

The meeting of the WRCOG Executive Committee was called to order by Chair Crystal Ruiz at 2:00 p.m. on September 12, 2022, on the Zoom platform.

2. PLEDGE OF ALLEGIANCE

Committee member Ben Benoit led the Committee members and guests in the Pledge of Allegiance.

3. ROLL CALL

- City of Banning - David Happe
- City of Beaumont - Mike Lara
- City of Calimesa - Wendy Hewitt
- City of Canyon Lake - Dale Welty
- City of Corona - Jacque Casillas
- City of Eastvale - Christian Dinco
- City of Hemet - Russ Brown
- City of Jurupa Valley - Chris Barajas
- City of Lake Elsinore - Brian Tisdale
- City of Menifee - Matt Liesemeyer
- City of Moreno Valley - Edward Delgado
- City of Murrieta - Lori Stone
- City of Norco - Kevin Bash
- City of Perris - Rita Rogers
- City of San Jacinto - Crystal Ruiz (Chair)
- City of Temecula - James Stewart
- City of Wildomar - Ben Benoit
- County, District 1 - Kevin Jeffries
- County, District 2 - Karen Spiegel
- County, District 3 - Chuck Washington
- Eastern Municipal Water District (EMWD) - Phil Paule
- Western Municipal Water District (WMWD) - Brenda Dennstedt
- WRCOG Executive Director - Dr. Kurt Wilson

*Arrived after Roll Call

4. PUBLIC COMMENTS

There were no public comments.

5. CONSENT CALENDAR

RESULT: **APPROVED AS RECOMMENDED**
MOVER: District 2
SECONDER: Wildomar
AYES: Banning, Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, San Jacinto, Temecula, Wildomar, District 1, District 2, District 3, EMWD, WMWD

A. Assembly Bill 361 Findings

Action:

1. Affirmed the findings of the Executive Committee in Resolution Number 01-22, adopted on April 4, 2022, which are:
    a. The Governor proclaimed a State of Emergency on March 4, 2020, related to the COVID-19 pandemic, which State of Emergency continues to exist today; and
    b. State or local officials have recommended measures to promote social distancing.

B. Summary Minutes from the August 1, 2022, Executive Committee Meeting

Action:

1. Approved the Summary Minutes from the August 1, 2022, Executive Committee meeting.

C. Finance Department Activities Update

Action:

1. Received and filed.

D. WRCOG Committees and Agency Activities Update

Action:

1. Received and filed.

E. Report out of WRCOG Representatives on Various Committees

Action:

1. Received and filed.

F. Single Signature Authority Report

Action:

1. Received and filed.

G. Cal Cities Activities Update

Action:

1. Received and filed.

H. Housing Legislative Activities Update

Action:

1. Received and filed.

I. Approval of 2022 TUMF Central, Southwest, and Hemet/San Jacinto Zones' 5-Year Transportation Improvement Programs

Actions:

1. Approved the 2022 TUMF Central Zone 5-Year Transportation Improvement Program.
2. Approved the 2022 TUMF Southwest Zone 5-Year Transportation Improvement Program.
3. Approved the 2022 TUMF Hemet/San Jacinto Zone 5-Year Transportation Improvement Program.

J. Objective Design Standards Toolkit Document Transfer to the Orange County Council of Governments (OCCOD)

Action:

1. Authorized the WRCOG Executive Director to provide written approval enabling PlaceWorks, Inc., to share the Objective Design Standards Toolkit document developed by WRCOG with OCCOG.

K. Approval of Professional Services Agreement for TUMF Nexus Study

This item was pulled for discussion by Committee member Wendy Hewitt, who asked why WRCOG didn't stay with WSP.

Chris Gray, Deputy Executive Director, responded that the consultant employed by WSP has changed employment positions to a new company, GSD. WRCOG released a Request for Proposals (RFP), and GSD was the only firm to respond. Given the consultant's long time work in the TUMF Program, and the responsiveness to the RFP, staff is recommending approval of a new Agreement with GHD. There is not net change to the budget.

Action:

1. Authorized the Executive Director to execute a new Professional Services Agreement between WRCOG and GHD to complete the TUMF Nexus Study Update and provide TUMF Program Support in an amount not-to-exceed $200,000, for a term of the Agreement through June 30, 2023.

L. Resolution Supporting Solve the Water Crisis Coalition

Action:

1. Adopted Resolution Number 24-22; A Resolution of the Executive Committee of the Western Riverside Council of Governments in support of the Solve the Water Crisis Coalition

M. Approval of One TUMF Reimbursement Agreement

This item was pulled for discussion by Committee member Wendy Hewitt, who asked if this project has been delayed.

Chris Gray, Deputy Executive Director, responded that this project was secured by the City of Corona with a couple million dollars in federal funding, and the project was eligible for TUMF funding.

Action:

1. Authorized the Executive Director to execute a TUMF Reimbursement Agreement with the City of Corona for the Design, Right-Of-Way, and Construction Phases of the Ontario Avenue (Lincoln Avenue to Buena Vista Avenue) Project in an amount not to exceed $2,300,000.

6. REPORTS / DISCUSSION

A. Presentation by the South Coast Air Quality Management District on the 2022 Air Quality Management Plan

Sarah Rees, South Coast Air Quality Management District (AQMD) Deputy Executive Officer, Planning & Rules, presented information regarding the 2022 draft Air Quality Management Plan (AQMP).

The AQMP serves as a regional blueprint to address Federal Air Quality Standards and includes various strategies to reduce Nitrogen Oxide (NOX) emissions, strategies to reduce greenhouse gas emissions, and other measures. AQMD has until 2037 to meet the ozone standard. This is going to require a lot of emissions reductions.

While state emissions have been reduced by over 50% over the past few decades, there is still a long way to go. Nitrogen oxides (NOx) is the key pollutant to reduce in order to meet the required ozone levels. NOx is formed when something burns. AQMD estimates that by the year 2017, the maximum amount of oxygen we can have in the atmosphere, and still be able to meet the 2015 ozone standard, is 60 tons per day. Over 80% of the NOx emissions in 2018 was from mobile sources.

AQMD will be holding public hearings for the 2022 AQMP in October. The public hearing for Riverside County will be held on October 20, 2022, via Zoom.

Action:

1. Received and filed.

B. PACE Programs Activities Update: Deferral of Judicial Foreclosures on Delinquent PACE Properties

Casey Dailey, WRCOG Director of Energy & Environmental Programs, reported that each year WRCOG must formally elect to defer judicial foreclosures on all delinquent residential and commercial properties. Deferring foreclosure ensures that no property owner is foreclosed on due to a delinquent PACE assessment.

For the 2021/2022 Tax Year, WRCOG enrolled just over 29,000 residential assessments and 45 commercial projects. Delinquencies as of August 10, 2022, include 373 residential parcels and 12 commercial parcels.

Over the past few years, WRCOG has partnered with First National Assets (FNA) to purchase PACE delinquencies to ensure that no property owner is foreclosed on due to a delinquent PACE assessment.

Action:
1. Adopted Resolution Number 23-22; A Resolution of the Executive Committee of the Western Riverside Council of Governments to defer foreclosure proceedings.

RESULT: **APPROVED AS RECOMMENDED**
MOVER: Wildomar
SECONDER: Perris
AYES: Banning, Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, San Jacinto, Temecula, Wildomar, District 1, District 2, District 3, EMWD, WMWD

C. I-REN Activities Update - Approval of Partner Program and Operational Agreements

Casey Dailey, WRCOG Director of Energy & Environmental Programs, reported that WRCOG, CVAG, and SANBAG have developed a Memorandum of Agreement (MOA) which identifies the CPUC-approved budget for each sector, authorizes a new Brown Act I-REN Executive Committee to approve all contracts and agreements, and authorizes WRCOG, as Administrative Lead COG, the authority to serve as administrator for all invoicing, contracts, and agreements.

Three volunteers from WRCOG's jurisdiction include Mayor Chris Barajas, City of Jurupa Valley; Mayor Crystal Ruiz, City of San Jacinto; and Councilmember Jacque Casillas, City of Corona, who, if selected, will be serving on the I-REN Executive Committee, which will meet on a quarterly basis.

WRCOG, CVAG, and SANBAG also developed a Governance & Operations Charter as an attachment to the MOA which establishes how the formation of the I-REN Executive Committee can be formed, how often it meets, its responsibilities, how the votes of the I-REN Executive Committee members are valued, and the responsibilities of I-REN's member COGs and their respective staff.

A Program Agreement was finalized between the I-REN member COGs, SoCal Gas, and SCE, and defines how I-REN funds are transferred from one agency to the other, naming SoCal Gas as the fiscal agent. The Program Agreement describes the roles of the Administrative Lead COG and the IOUs, and the deliverables expected of them including invoicing, reporting, and regulatory filing.

Actions:
1. Approved the Memorandum of Agreement for the I-REN and authorized the Executive Director to take necessary and appropriate actions to carry out the purpose and intent of the motion.
2. Approved the Program Agreement for the I-REN and authorized the Executive Director to take necessary and appropriate actions to carry out the purpose and intent of the motion.
3. Approved the selection of Mayor Chris Barajas, City of Jurupa Valley, Mayor Crystal Ruiz, City of San Jacinto and Council member Jacque Casillas, City of Corona, to represent WRCOG on the I-REN Executive Committee.

RESULT: **APPROVED AS RECOMMENDED**
MOVER: Lake Elsinore
SECONDER: Menifee
AYES: Banning, Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley,

Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, San Jacinto, Temecula, Wildomar, District 1, District 2, District 3, EMWD, WMWD

7. REPORT FROM THE TECHNICAL ADVISORY COMMITTEE CHAIR

Technical Advisory Committee (TAC) Chair Rob Johnson was not present.

8. REPORT FROM COMMITTEE REPRESENTATIVES

Committee member Ted Hoffman, SAWPA OWOW representative, reported that SAWPA recently completed a dry weather conditions report along the Santa Ana River that studied the impacts of the homeless camps. It was estimated that between 800 and 1,200 people have been residing in the riverbed, in over 300 encampments.

9. REPORT FROM THE EXECUTIVE COMMITTEE CHAIR

Chair Ruiz announced that meetings for this Committee will be moved back to in-person at the Riverside County Board Chambers beginning in October.

10. REPORT FROM THE EXECUTIVE DIRECTOR

Dr. Kurt Wilson reported that the bulk of his update can be found in the Agenda packet. WRCOG is holding its AltCar event on October 28, 2022, at the Moreno Valley Convention Center. Next year's General Assembly is scheduled for June 29, 2023.

11. ITEMS FOR FUTURE AGENDAS

There were no items for future agendas.

12. GENERAL ANNOUNCEMENTS

Committee member Kevin Jeffries announced that there currently is a 5-alarm fire along the I-215.

13. NEXT MEETING

The next Executive Committee meeting is scheduled for Monday, October 3, 2022, at 2:00 p.m., in the Riverside County Administrative Center Board Chambers, 4080 Lemon Street, Riverside.

14. CLOSED SESSION

Steve DeBaun, WRCOG Legal Counsel, announced that there are four Closed Session items as listed on the agenda.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Section 54956.9(d)(1): Four cases

1. Western Riverside Council of Governments v. National Union Fire Insurance Company of Pittsburgh, PA, U.S. District Court, C.D. Cal., Case No. 5:20-cv-02164-GW (KKx)

2. City of Beaumont, et al., v. Norton Rose Fulbright US, LLP, et al., Riverside Superior Court, Case No. RIC 1904645
3. Cordova v. Western Riverside Council of Governments, et al., San Diego Superior Court, Case No. 37-2021-00000765-CU-BT-CTL
4. Molina-Duarte v. Western Riverside Council of Governments, et al., San Diego Superior Court, Case No. 37-2021-00014856-CU-MC-NC

There were no reportable actions. Closed session adjourned at 3:15 PM.

15. ADJOURNMENT

The meeting was adjourned at 3:22 p.m. in honor of Fairview Fire victims Ian Compton and Makayla Porter.

Item 5.C

Western Riverside Council of Governments
WRCOG Executive Committee

Staff Report

Subject: **Finance Department Activities Update**

Contact: **Andrew Ruiz, Chief Financial Officer, aruiz@wrcog.us, (951) 405-6740**

Date: **October 3, 2022**

Requested Action(s):

1. Receive and file.

Purpose:

The purpose of this item is to provide an update on the Agency financials through June 2022.

WRCOG 2022-2027 Strategic Plan Goal:

Goal #3 - Ensure fiscal solvency and stability of the Western Riverside Council of Governments.

Background:

On January 12, 2022, the Executive Committee adopted a new Strategic Plan with specific fiscal-related goals:

1. Maintain sound, responsible fiscal policies.
2. Develop a process to vet fiscal impact(s) and potential risk(s) for all new programs and projects.
3. Provide detailed financial statements for public review online.

As staff begin to work on meeting these goals, they will seek input through WRCOG's Committee structure regarding updates and to ensure these goals are being met.

Financial Report Summary Through June 2022

The Agency's Financial Report summary through June 2022, a monthly overview of WRCOG's financial statements in the form of combined Agency revenues and costs, is provided as Attachment 1. Note that these are not the final numbers for the Fiscal Year as staff are still closing the Agency's books. Please note that the Financial Summary Report will be undergoing a complete change in the coming months, with more detail, in alignment with Strategic Plan Goal #3.

Fiscal Year (FY) 2021/2022 Year End and Agency Audit

FY 2021/2022 has now ended and staff are beginning to work on closing the Agency's books. WRCOG will be utilizing the services of the audit firm Van Lant and Fankhanel (VLF) to conduct its financial audit. During FY 2021/2022, an RFP was released for financial auditing services as a Government Finance

Officers Association (GFOA) best practice, as WRCOG has utilized auditing firm Rogers, Anderson, Malody and Scott for the past five years. WRCOG ended up selecting a new audit firm (VLF) to conduct its audits based on the results of the RFP.

In July 2022, VLF conducted the first phase of the audit, known as the interim audit, which involves preliminary audit work that is conducted prior to the books being fully closed. The interim audit tasks are conducted in order to gain an understanding of the Agency's processes during the year and to compress the period needed to complete the final audit after the books have been closed. The interim audit has now been completed and the final audit is scheduled for October 2022.

Prior Action(s):
September 15, 2022: The Technical Advisory Committee received and filed.

September 14, 2022: The Administration & Finance Committee received and filed.

August 25, 2022: The Finance Directors Committee received and filed.

Fiscal Impact:
Finance Department activities are included in the Agency's adopted Fiscal Year 2022/2023 Budget under the Administration Department under Fund 110.

Attachment(s):
Attachment 1 - June Budget to Actuals

Western Riverside Council of Governments
Budget to Actuals
For Month Ending June 30, 2022

Total Agency

	Approved Budget 6/30/2022	Actual Thru 6/30/2022	Remaining Budget 6/30/2022
Revenues			
Member Dues	286,640	294,410	(7,770)
Interest Revenue - Other	17,500	13,173	4,327
Overhead Transfer In	2,000,000	2,106,624	(106,624)
TUMF Commercial	4,800,000	919,105	3,880,895
TUMF Retail	4,800,000	4,390,472	409,528
TUMF Industrial	7,680,000	12,705,240	(5,025,240)
TUMF Single Family	19,200,000	49,646,385	(30,446,385)
TUMF Multi Family	9,600,000	6,218,406	3,381,594
TUMF Commerical - Admin Fee	200,000	38,296	161,704
TUMF Retail - Admin Fee	200,000	182,936	17,064
TUMF Industrial - Admin Fee	320,000	529,385	(209,385)
TUMF Single Family - Admin Fee	800,000	2,068,599	(1,268,599)
TUMF Multi-Family - Admin	400,000	259,100	140,900
TUMF Beaumont Settlement	-	25,000	(25,000)
Grant Revenue	1,663,000	940,270	722,730
LTF Revenue	750,000	866,250	(116,250)
RIVTAM	50,000	46,300	3,700
Fellowship Revenue	100,000	104,515	(4,515)
PACE Admin Revenue	3,179,548	2,772,715	406,833
Regional Energy Network Revenue	5,051,019	769,092	4,281,927
Clean Cities Revenue	240,000	253,764	(13,764)
Solid Waste Revenue	112,970	158,157	(45,187)
Used Oil Grants	168,023	168,023	-
Gas Co. Prtnrshp Revenue	108,400	63,749	44,651
Regional Streetlights Revenue	211,725	146,759	64,966
PACE Commercial Sponsor Revenue	400,000	421,301	(21,301)
Total Revenues	**$ 63,649,588**	**$ 86,108,027**	**$ (22,458,439)**
Expenses			
Salaries & Wages - Fulltime	2,745,899	2,605,894	140,005
Fringe Benefits	1,319,884	1,036,270	283,614
Overhead Allocation	1,682,458	1,610,775	71,683
General Legal Services	1,868,100	1,798,675	69,425
Audit Svcs - Professional Fees	35,000	30,125	4,875
Bank Fees	33,885	52,932	(19,047)
Commissioners Per Diem	57,500	56,150	1,350
Parking Cost	20,000	24,377	(4,377)
Office Lease	350,000	339,894	10,106
Fuel Expense	1,500	123	1,377
Parking Validations	15,450	4,138	11,312
Staff Recognition	1,000	473	527
Coffee and Supplies	3,000	2,456	544
Event Support	95,737	112,554	(16,817)
Meeting Support Services	5,250	32	5,218
Program/Office Supplies	13,700	19,546	(5,846)
Supplies/Materials	33,540	30,517	3,023
Computer Equipment/Supplies	2,000	3,631	(1,631)
Computer Software	102,000	82,368	19,632
Rent/Lease Equipment	15,000	9,693	5,307
Membership Dues	31,750	17,124	14,626
Subscriptions/Publications	4,250	8,997	(4,747)

Western Riverside Council of Governments

Budget to Actuals

For Month Ending June 30, 2022

	Approved Budget 6/30/2022	Actual Thru 6/30/2022	Remaining Budget 6/30/2022
Total Agency			
Postage	5,350	3,523	1,827
Other Household Expenses	3,250	1,799	1,451
Storage	5,000	6,051	(1,051)
Recording Fee	10,000	17,374	(7,374)
Printing Services	4,000	2,568	1,432
Computer Hardware	16,500	5,402	11,098
Communications - Regular Phone	16,000	14,755	1,245
Communications - Cellular Phones	13,500	14,466	(966)
Communications - Computer Services	53,000	31,733	21,267
Communications - Web Site	8,000	1,322	6,678
Equipment Maintenance	10,500	5,083	5,417
Insurance - Errors & Omissions	15,000	9,335	5,665
Insurance - Gen/Busi Liab/Auto	99,500	81,492	18,008
WRCOG Auto Insurance	4,500	2,802	1,698
TUMF Project Reimbursement	46,080,000	14,790,106	31,289,894
Seminars/Conferences	9,650	7,627	2,023
Travel - Mileage Reimbursement	9,500	5,567	3,933
Travel - Ground Transportation	2,300	1,741	559
Travel - Airfare	4,250	3,437	813
Lodging	3,800	4,641	(841)
Meals	7,400	4,136	3,264
Other Incidentals	5,000	921	4,079
Training	7,500	10,485	(2,985)
Consulting Labor	2,924,616	1,937,296	987,320
Total Expenses	**$ 57,513,228**	**$ 25,052,427**	**$ 33,502,555**

Item 5.D

Western Riverside Council of Governments
WRCOG Executive Committee

Staff Report

Subject: WRCOG Committees and Agency Activities Update

Contact: Chris Gray, Deputy Executive Director, cgray@wrcog.us, (951) 405-6710

Date: October 3, 2022

Requested Action(s):

1. Receive and file.

Purpose:
The purpose of this item is to provide updates on noteworthy actions and discussions held in recent WRCOG standing Committee meetings, and to provide general project updates.

WRCOG 2022-2027 Strategic Plan Goal:
Goal #4 - Communicate proactively about the role and activities of the Council of Governments and its members.

Background:
Attached are summary recaps of actions and activities from recent WRCOG standing Committee meetings that occurred during the month of September 2022.

Prior Action(s):
September 12, 2022: The Executive Committee received and filed.

Fiscal Impact:
This item is for informational purposes only; therefore, there is no fiscal impact.

Attachment(s):
Attachment 1 - September 2022 meetings recaps

Western Riverside Council of Governments
Planning Directors Committee
Meeting Recap
September 8, 2022

Following is a list of key items discussed at the last Planning Directors Committee meeting.

Agenda Packet: https://wrcog.us/DocumentCenter/View/9590/PDC-packet-0922

PowerPoint Presentation: https://wrcog.us/DocumentCenter/View/9606/pdc0922pp

Implementing or Changing Problematic CEQA Mitigation Measures

- Stephanie Standerfer and Cheryl DeGano from Albert A. Webb Associates provided a presentation on implementing or changing problematic CEQA mitigation measures.
- Mitigation measures written into CEQA documents sometimes are not written in a way that makes them easy to implement once construction starts. The presentation covered what makes the most defensible CEQA mitigation measures and then went into real-world scenarios where mitigation measures became problematic to implement in the real world – either through engineering logistical limitations or costs from the lead agency perspective.
- Committee members were encouraged to ensure that all the right individuals from the parties of the CEQA analyses are involved when drafting the mitigation measures.

Objective Design Standard Toolkit

- WRCOG is utilizing SCAG REAPgrant funding to prepare an Objective Design Standards (ODS) Toolkit. This Toolkit provides a range of ODS for multi-family and mixed-use residential development designed to address new and amended California State laws authored to increase housing production.
- ODS are intended to make the requirements that apply to certain eligible residential projects more predictable and easier to interpret for all stakeholders, including decision makers, staff, applicants, and members of the public. The purpose of ODS is for applicants to know beforehand what requirements apply to a proposed development and for the applicant to be able to design a project that meets those requirements before submittal.
- This Toolkit is being provided as a resource to member agencies to develop or refine their own Objective Design Standards.
- WRCOG is seeking feedback from Committee members and their staff which will be used to finalize the document.
- Cities interested in receiving direct assistance with local customization may reach out to WRCOG staff and submit a Housing Activities Assistance Request Form.

REAP 2.0 Housing Supportive Infrastructure Program Draft Guidelines

- Jacob Noonan, SCAG Housing Program Manager, presented on the development of the draft Housing Supportive Infrastructure Program (HSIP) Guidelines under the REAP 2.0 grant program.
- HSIP Guidelines are expected to be released for public comment soon and will be developed through broad and inclusive outreach that engage and involves communities across the SCAG region.
- REAP 2.0 funding programs help achieve the objectives of 1) accelerating infill development that facilitates housing supply, choice, and affordability, 2) reducing vehicle miles traveled, and 3) affirmatively furthering fair housing. The HSIP Guidelines implement the Housing Support Infrastructure funding program in the SCAG REAP 2.0 grant.

Items for Future Meetings

Chris Gray, WRCOG Deputy Executive Director, noted that the following items will be brought forward to future meetings:

- Fee comparison study
- Housing legislation summary for 2022
- REAP 2021 Funding opportunities
- SB 9 implementation
- AB 602 trip generation study

Committee member Adam Rush, City of Banning, also requested an update on the subregional CAP.

Next Meeting

The next Planning Directors Committee meeting is scheduled for Thursday, October 13, 2022, at 9:30 a.m., on the Zoom platform with the option for Committee members to attend in-person.

Western Riverside Council of Governments
Executive Committee and Supporting Foundation
Meetings Recap
September 12, 2022

Following is a summary of key items discussed at the last Executive Committee meeting.

Agenda Packet: https://wrcog.us/DocumentCenter/View/9599/ec-0922packet

PowerPoint Presentation: https://wrcog.us/DocumentCenter/View/9613/ec0922pp

TUMF Zone TIPs Approved

- 5-Year Zone TIPs for the Central, Southwest, and Hemet/San Jacinto Zones were approved.

PSA for TUMF Nexus Study Approved

- An Agreement with GHD to complete the TUMF Nexus Study update was approved in an amount not-to-exceed $200,000 was approved.
- The Agreement also includes TUMF Program Support and runs through June 30, 2023.

TUMF Reimbursement Agreement Approved

- Reimbursement Agreement for the Ontario Avenue project in the City of Corona was approved in an amount not to exceed $2,300,000

Presentation by the South Coast Air Quality Management District on the 2022 Air Quality Management Plan

- AQMD staff presented information regarding the 2022 Air Quality Management Plan (AQMP).
- The AQMP serves as a regional blueprint to address Federal Air Quality Standards.
- The Draft AQMP includes various strategies to reduce Nitrogen Oxide (NOX) emissions, strategies to reduce greenhouse gas emissions, and other measures.
- AQMD will be holding public hearings for the 2022 AQMD in October. The public hearing for Riverside County will be held on October 20, 2022, via a Zoom webinar.

PACE Programs Activities Update: Deferral of Judicial Foreclosures on Delinquent PACE Properties

- Each year WRCOG must formally elect to defer judicial foreclosures on all delinquent residential and commercial properties. Deferring foreclosure ensures that no property owner is foreclosed on due to a delinquent PACE assessment.
- The Executive Committee approved a resolution, deferring judicial foreclosures for the 2021/2022 Tax Year.

I-REN Activities Update - Approval of Partner Program and Operational Agreements

- WRCOG, CVAG, and SANBAG have developed a Memorandum of Agreement (MOA) which identifies the CPUC-approved budget for each sector, authorizes a new Brown Act I-REN Executive Committee to approve all contracts and agreements, and authorizes WRCOG, as Administrative Lead COG, the authority to serve as administrator for all invoicing, contracts, and agreements.

- The I-REN Executive Committee has three volunteers from WRCOG's jurisdiction - Mayor Chris Barajas, City of Jarupa Valley; Mayor Crystal Ruiz, City of San Jacinto; and Councilmember Jacque Casillas, City of Corona.
- WRCOG, CVAG, and SANBAG also developed a Governance & Operations Charter as an attachment to the MOA which establishes how the formation of the I-REN Executive Committee can be formed, how often it meets, its responsibilities, how the votes of the I-REN Executive Committee members are valued, and the responsibilities of I-REN's member COGs and their respective staff.
- A Program Agreement was finalized between the I-REN member COGs, SoCal Gas, and SCE, and defines how I-REN funds are transferred from one agency to the other, naming SoCal Gas as the fiscal agent. The Program Agreement describes the roles of the Administrative Lead COG and the IOUs, and the deliverables expected of them including invoicing, reporting, and regulatory filing.
- The Executive Committee approved the Memorandum of Agreement, the Program Agreement, and the selection of Mayor Chris Barajas of Jurupa Valley, Mayor Crystal Ruiz of San Jacinto, and Jacque Casillas , City of Corona to represent WRCOG on the I-REN Executive Committee.

<u>Next Meeting</u>

The next Executive Committee meeting is scheduled for Monday, October 3, 2022, at 2:00 p.m. The meeting will be held in person in the Riverside County Administrative Center Board Chambers, 4080 Lemon Street, Riverside.

Western Riverside Council of Governments
Administration & Finance Committee
Meeting Recap
September 14, 2022

Following is a summary of key items discussed at the last Administration & Finance Committee meeting.

Agenda Packet: https://wrcog.us/DocumentCenter/View/9602/af-0922-packet

PowerPoint Presentation: https://wrcog.us/DocumentCenter/View/9614/af0922pp

Request for Early TUMF Reimbursement by a Developer for the Cajalco Road Project in the City of Corona

- The City of Corona has requested that WRCOG provide a partial reimbursement to the developer who constructed the I-15 / Cajalco interchange under a Credit / Reimbursement Agreement.
- Under WRCOG's existing policy, the developer is entitled to a reimbursement since the amount of TUMF credit exceeds their anticipated TUMF obligation. However, WRCOG's existing policy is to provide developer reimbursement only after the developer has exhausted all TUMF credits. As the land development aspect of the project has not concluded, the developer has not exhausted all of the TUMF credits and is not eligible for a reimbursement.
- Staff was directed to perform the following actions:
  1. Convene a meeting of the Northwest Zone TAC to gain their input regarding this request.
  2. Develop policy language regarding early reimbursement requests for consideration by the Public Works Committee and Technical Advisory Committee.
  3. Return to the Administration & Finance Committee with the above items for further discussion / consideration.

PACE Programs Activities Update: Adoption of Unclaimed Refund Policy and Procedure

- Refunds occur when a property owner prepays their PACE assessment line item prior to paying their property tax bill. These refunds are processed by WRCOG staff and multiple attempts are made to return refunds to the property owner. Occasionally, these checks remain unclaimed by property owners.
- State law requires all unclaimed property to be returned to the State after 3 years, unless a resolution and policy are adopted that would allow the unclaimed property to remain with WRCOG.
- As of June 2022, there were 175 checks that remain unclaimed by property owners; by December 2022, there will be approximately 290 checks that will remain unclaimed.
- The Administration & Finance Committee discussed multiple options on how best to handle the unclaimed property and, ultimately, recommended to the Executive Committee that the funds be returned to the State.

4th Quarter Draft Budget Amendment for Fiscal Year 2021/2022

- For the fourth quarter of Fiscal Year 2021/2022, there will be a net increase in revenues of approximately $29M. This is primarily due to increased collections in the TUMF Program. There has been a significant increase in development activity, specifically in housing.
- The other major amendment is to the Inland Regional Energy Network, or I-REN, budget. While I-REN has launched, it has not incurred as much in revenues and expenditures as originally anticipated since the program is still ramping up. This does not change the total amounts allocated by the California Public Utilities Commission, as the I-REN has a six-year period to expend the funds and 2022 was its first year.

- The Administration & Finance recommended that the Executive Committee approve the 4th Quarter budget amendment

Next Meeting

The next Administration & Finance Committee meeting is scheduled for Wednesday, October 12, 2022, at 12:00 p.m., on the Zoom platform with the option for Committee members to attend in-person.

Western Riverside Council of Governments
Technical Advisory Committee
Meeting Recap
September 15, 2022

Following is a summary of key items discussed at the last Technical Advisory Committee meeting.

Agenda Packet: https://wrcog.us/DocumentCenter/View/9611/tac0922packet

PowerPoint Presentation: https://wrcog.us/DocumentCenter/View/9616/tac0922pp

Local Housing Activities Assistance Program Activities Update

- SCAG received $47M in REAP grant funding from the state. Of that, $23M is dedicated for the Subregional Partnership Program (SRP). Of that, $1.8M has been allocated to WRCOG. Funds may be used on housing planning efforts to meet 6th cycle RHNA.
- WRCOG is using the funds for several projects; the Local Housing Activities Assistance Program has been budgeted at approximately $500K.
- The Local Housing Activities Assistance Program provides direct assistance to agencies. Past assistance provided to help with Housing Elements; new and continued assistance is being offered. A request form must be submitted, and an agreement must be executed between the city and WRCOG. The services provided through the requests come at no cost to the cities, this Program is completely funded by the REAP SRP Program and WRCOG is reimbursed by SCAG.
- Assistance requests range from reviewing housing development applications, to municipal code updates, to helping jurisdictions apply for HCD's pro-housing designation.
- WRCOG will be submitting a Notice of Intent to Apply for Funding for the REAP 2.0 Program, which is due October 2022.
- Assistance will continue to be provided and WRCOG will continue to accept requests for assistance. The deadline for expenditure was extended by the state so now WRCOG has more time to accept, process, and complete requests for local housing activities assistance.

4th Quarter Draft Budget Amendment for Fiscal Year 2021/2022

- For the fourth quarter of Fiscal Year 2021/2022, there will be a net increase in revenues of approximately $29M. This is primarily due to increased collections in the TUMF Program. There has been a significant increase in development activity, specifically in housing.
- The other major amendment is to the Inland Regional Energy Network, or I-REN, budget. While I-REN has launched, it has not incurred as much in revenues and expenditures as originally anticipated since the Program is still ramping up. This does not change the total amounts allocated by the CPUC, as I-REN has a six-year period to expend the funds and 2022 was its first year.

Grant Writing Assistance Program Activities Update

- WRCOG commenced its Grant Writing Assistance Program in 2017 to strengthen the subregion's overall competitiveness for grant funding and to provide needed supplemental support to member agencies which have been unable to seek grant funds due to limited staffing capacity and/or resources. The Program focuses on areas in which WRCOG already provides assistance to its member agencies.
- The Program provides four services: technical assistance with grant application development on eligible grant programs, advisory services, bi-weekly grant opportunities tables, and grant program fact sheets.
- The Program has provided assistance on grant application development on over 45 applications for the subregion with over 20 applications being awarded, totaling over $70M in grant funding.

- WRCOG is able to assist with housing-related grant programs in the interim with the use of REAP grant program funds. Interested member agencies should reach out to Christopher Tzeng (ctzeng@wrcog.us) to discuss eligible grant programs.

Environmental Department Activities Update

- The Solid Waste Committee received presentations and information on SB 1383, a workshop on the Capacity Planning for Organic Waste and Food Recovery, and current and pending legislation.
- The Capacity Planning for Organic Waste and Food Recovery project started in April with MSW consultants to assist member cities that expressed interest. MSW worked with those members, local franchise haulers, and edible food recovery facilities to determine tonnages and gaps in capacity. Overall MSW determined that Riverside County as a whole, needs 66,314 tons of organic waste capacity and 21,211 tons of edible food recovery capacity. MSW continues to work with cities on completing the implementation plan.
- Used oil/filter collection events have continued virtually over the past year, with 634 participants and 345 used oil filters exchanged. Under the Household Hazardous Waste grant WRCOG staff increased used oil capacity at certified collection centers, from 1,850 gallons to 3,700 gallons in 10 WRCOG cities.
- The Love Your Neighborhood initiative will be deploying a new website in a few weeks to support cleanup efforts and to address illegal dumping. Cities interested in participating in this program may contact WRCOG staff.

Next Meeting

The next Technical Advisory Committee meeting is scheduled for Thursday, October 20, 2022, at 9:30 a.m., on the Zoom platform with the option for Committee members to attend in person.

Western Riverside Council of Governments
WRCOG Executive Committee

Staff Report

Subject: **Report out of WRCOG Representatives on Various Committees**

Contact: **Chris Gray, Deputy Executive Director, cgray@wrcog.us, (951) 405-6710**

Date: **October 3, 2022**

Requested Action(s):

1. Receive and file.

Purpose:

The purpose of this item is to inform the Executive Committee of activities occurring on the various Committees in which WRCOG has an appointed representative.

WRCOG 2022-2027 Strategic Plan Goal:

Goal #1- Serve as an advocate at the regional, state, and federal level for the Western Riverside region.

Background:

This item serves as a placeholder for WRCOG representatives' use in providing materials pertaining to meetings of the Committee they have been appointed to.

CALCOG Board of Directors (Brian Tisdale)

The CALCOG Board of Directors met on September 23, 2022. Agenda highlights include the following:

1. Legislative Year Recap.
2. Looking Ahead: A Big Year for Climate Policy?
3. Review of Oppose Unless Amended Position.
4. State of Change: Regional Leadership Forum.
5. Selecting a Strategic Retreat Time.
6. Accepting Interest Statements for Board Office.
7. Carmen Ramirez: In Memoriam.

The next CALCOG Board of Directors meeting is scheduled for November 4, 2022.

SANDAG Borders Committee (Crystal Ruiz)

The SANDAG Borders Committee met on September 23, 2022. Agenda highlights include the following:

1. 2022 Binational Delegation to Mexico City

2. Improving Air Quality in the San Diego International Border Community
3. Otay Mesa East Port of Entry: Financing Strategy Update and Toll Revenue Sharing Agreement

The next SANDAG Borders Committee meeting is scheduled for October 14, 2022.

SAWPA OWOW Steering Committee (Ted Hoffman)

The SAWPA OWOW Steering Committee met on September 22, 2022. Agenda highlights include the following:

1. Proposition 1 Round 2 Integrated Regional Water Management Project Approvals (SC#2022.6)
2. OWOW Plan Update 2018 Plan Amendment with Additional Project List (SC#2022.7)

The next SAWPA OWOW Steering Committee meeting is scheduled for November 17, 2022.

Prior Action(s):
August 1, 2022: The Executive Committee received and filed.

Fiscal Impact:
WRCOG stipends are included in the Agency's adopted Fiscal Year 2021/2022 Budget under the General Fund (Fund 110).

Attachment(s):
Attachment 1 - CALCOG agenda 092322
Attachment 2 - SANDAG Borders Committee agenda 092322
Attachment 3 - SAWPA OWOW agenda 092222

Attachment

CALCOG agenda 092322

Effective Regions Through Partnership

California Association of Councils of Governments

BOARD OF DIRECTORS

MEETING AGENDA

September 23, 2022

2:00 pm to 4:00 pm

Meeting Connection Information:

Zoom Link:

https://us02web.zoom.us/j/6334525293?pwd=RzZHUldwV25DblBGcVd1YnJwVlJxQT09

Meeting ID: 633 452 5293
Passcode: CALCOG

Having trouble? Email Natalie at nzoma@calcog.org

BOARD MEETING AGENDA

TIME	ITEM	DESCRIPTION	PURPOSE	PAGE
2:00 pm	1	**Welcome & Roll Call.** Staff will mark attendance as members enter the virtual meeting space. Please type your name in the Zoom identifier. For agency staff monitoring the meeting, please type in your name and turn off your video.		
2:05 pm	2	**Approval of the Minutes**	Action	4
2:10 pm	3	**Executive Director Report.** A quick update of developments in the work program.	Information	7
		POLICY ITEMS		
2:20 pm	4	**Legislative Year Recap**. Quick overview and recap. Slide presentation will be available day of meeting. The Annual Report will publish in November.	Information	8
2:30 pm	5	**Looking Ahead: A Big Year for Climate Policy?** An overview of a likely focus for the coming year and identify potential challenges it poses for CALCOG.	For Discussion	9
ORGANIZATIONAL Business				
2:50 pm	6	**Review of Oppose Unless Amended Position.** Staff seeks feedback on a process to clarify the position taking process to better signal organization's intent.	For Discussion	11
3:00 pm	7	**State of Change: Regional Leadership Forum.** Staff will provide an overview upcoming conference.	Information	12
3:10 pm	8	**Selecting a Strategic Retreat Time.**	Information	13
3:20 pm	9	**Accepting Interest Statements for Board Office**.	Information	14
3:25 pm	10	**Carmen Ramirez: In Memoriam.** Staff recommends contributing to the Legacy Scholarship for public service in her name.	Action	15
3:45 pm		**Final Announcements & Adjourn**		

Attachment

SANDAG Borders Committee agenda 092322

Borders Committee

Friday, September 23, 2022

Item No.		Action
1.	**Public Comments/Communications/Member Comments** Public comments under this agenda item will be limited to five public speakers. Members of the public shall have the opportunity to address the Borders Committee on any issue within the jurisdiction of the Committee that is not on this agenda. Public speakers are limited to three minutes or less per person. Committee members also may provide information and announcements under this agenda item. If the number of public comments under this agenda item exceeds five, additional public comments will be taken at the end of the agenda. Subjects of previous agenda items may not again be addressed under public comment.	
2.	**Agency Report** *Victoria Stackwick, SANDAG* Chief of Staff Victoria Stackwick will present an update on key programs, projects, and agency initiatives.	Discussion

Consent

Item No.		Action
+3.	**Approval of Meeting Minutes** +3A. March 25, 2022, Meeting Minutes +3B. April 15, 2022, Joint Transportation and Borders Committees Meeting Minutes +3C. June 24, 2022, Joint Borders Committee and the Committee on Binational Regional Opportunities Meeting with the Municipalities and State Government of Baja California Minutes	Approve
+4.	**Request for Innovative Concepts** *Danielle Kochman, SANDAG* Staff will present an update on the Request for Innovative Concepts as part of the Implementation Strategy for the 2021 Regional Plan.	Information

Reports

Item No.		Action
5.	**2022 Binational Delegation to Mexico City** *Kenya Zamarripa, San Diego Regional Chamber of Commerce* Kenya Zamarripa will present an overview of the 2022 Binational Delegation to Mexico City, scheduled for October 23-26, 2022.	Information
+6.	**Improving Air Quality in the San Diego International Border Community** *Domingo Vigil, San Diego Air Pollution Control District* Domingo Vigil will present an overview of the San Diego International Border Community Air Monitoring and Emission Reduction Plan.	Information

+7. **Otay Mesa East Port of Entry: Financing Strategy Update and Toll Revenue Sharing Agreement** — Recommend

André Douzdjian and Betsy Blake, SANDAG
Mario Orso, Caltrans

The Borders Committee is asked to recommend that the Board of Directors adopt Resolution No. 2023-05, approving and authorizing the execution and delivery of the Toll Revenue Sharing Agreement with Mexico's Ministry of Infrastructure, Communications and Transportation.

8. **Upcoming Meetings**

The next Borders Committee meeting will be a special joint meeting of the Board of Directors and Policy Advisory Committees, on Friday, October 14, 2022, at 9 a.m.

9. **Adjournment**

+ next to an item indicates an attachment

Attachment

SAWPA OWOW agenda 092222

One Water One Watershed

…A United Voice for the Santa Ana River Watershed

OWOW Steering Committee Members

PURSUANT TO THE PROVISIONS OF AB 361, THIS MEETING WILL BE CONDUCTED VIRTUALLY WITH THE OPPORTUNITY FOR PUBLIC COMMENT. ALL VOTES TAKEN WILL BE CONDUCTED BY ORAL ROLL CALL.

This meeting will be accessible as follows:

Meeting Access Via Computer (Zoom)*:	Meeting Access Via Telephone*:
• https://sawpa.zoom.us/j/89455088997	• 1 (669) 900-6833
• Meeting ID: 894 5508 8997	• Meeting ID: 894 5508 8997
*Participation in the meeting via the Zoom app (a free download) is strongly encouraged; there is no way to protect your privacy if you elect to call in by phone to the meeting.	

REGULAR MEETING OF THE

OWOW STEERING COMMITTEE

Thursday, September 22, 2022 – 11:00 a.m.

AGENDA

1. **CALL TO ORDER | PLEDGE OF ALLEGIANCE (Bruce Whitaker, Convener)**

2. **PUBLIC COMMENTS**
   Members of the public may address the Committee on items within the jurisdiction of the Committee; however, no action may be taken on an item not appearing on the agenda unless the action is otherwise authorized by Government Code §54954.2(b).

3. **APPROVAL OF MEETING MINUTES: JANUARY 27, 2022 | JULY 28, 2022**

4. BUSINESS ITEMS

A. PROPOSITION 1 ROUND 2 INTEGRATED REGIONAL WATER MANAGEMENT PROJECT APPROVALS (SC#2022.6)

Presenter: Ian Achimore

Recommendation: (1) Recommend the OWOW portfolio of ten projects to the SAWPA Commission in order to receive Proposition 1 IRWM Round 2 grant funding, and (2) Confirm that the three North Orange County IRWM projects meet State requirements and thus be included in the Round 2 list of projects to receive grant funding.

B. OWOW PLAN UPDATE 2018 PLAN AMENDMENT WITH ADDITIONAL PROJECT LIST (SC#2022.7)

Presenter: Ian Achimore

Recommendation: Recommend to the SAWPA Commission that it amend the OWOW Plan Update 2018 to add an appendix that includes: (1) 27 “plan only” projects submitted via the 2022 Call for Projects, and (2) 24 projects that requested Proposition 1 Round 2 funding via the 2022 Call for Projects, and (3) Three projects from the 2022 North Orange County IRWM Call for Projects.

5. COMMITTEE MEMBERS’ COMMENTS

6. REQUEST FOR FUTURE AGENDA ITEMS

7. ADJOURNMENT

PLEASE NOTE:

Americans with Disabilities Act: Meeting rooms are wheelchair accessible. If you require any special disability related accommodations to participate in this meeting, please contact (951) 354-4220 or svilla@sawpa.org. Notification at least 48 hours prior to the meeting will enable staff to make reasonable arrangements to ensure accessibility for this meeting. Requests should specify the nature of the disability and the type of accommodation requested.

Materials related to an item on this agenda submitted to the Committee after distribution of the agenda packet are available for public inspection during normal business hours at the SAWPA office, 11615 Sterling Avenue, Riverside, and available at www.sawpa.org, subject to staff’s ability to post documents prior to the meeting.

Declaration of Posting

I, Sara Villa, Clerk of the Board of the Santa Ana Watershed Project Authority declare that on September 15, 2022, a copy of this agenda has been uploaded to the SAWPA website at www.sawpa.org and posted at the SAWPA office, 11615 Sterling Avenue, Riverside, California.

2022 OWOW Steering Committee Regular Meetings

Fourth Thursday of Every Other Month (January, March, May, July, September, November)
(Note: All meetings begin at 11:00 a.m., unless otherwise noticed, and are held at SAWPA.)

January 1/27/22 Regular Committee Meeting	**March** 3/24/22 ~~Regular Committee Meeting~~ [cancelled]
May 5/26/22 ~~Regular Committee Meeting~~ [cancelled]	**July** 7/28/22 Regular Committee Meeting
September 9/22/22 Regular Committee Meeting	**November** 11/17/22* Regular Committee Meeting*

* Meeting date adjusted due to conflicting holiday.

One Water One Watershed

…A United Voice for the Santa Ana River Watershed

2023 OWOW Steering Committee Regular Meetings

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(Note: All meetings begin at 11:00 a.m., unless otherwise noticed, and are held at SAWPA.)

January		**March**	
1/26/23	Regular Committee Meeting	3/23/23	Regular Committee Meeting
May		**July**	
5/25/23	Regular Committee Meeting	7/27/23	Regular Committee Meeting
September		**November**	
9/28/23	Regular Committee Meeting	11/16/23*	Regular Committee Meeting*

* Meeting date adjusted due to conflicting holiday.

Western Riverside Council of Governments
WRCOG Executive Committee

Staff Report

Subject: **Housing Legislative Activities Update**

Contact: **Bill Blankenship, On-Call Legislative Consultant, billblankenship63@gmail.com, (951) 206-9020**

Date: **October 3, 2022**

Requested Action(s):
1. Receive and file.

Purpose:
The purpose of this item is to provide an update on key housing legislative items.

WRCOG 2022-2027 Strategic Plan Goal:
Goal #1 - Serve as an advocate at the regional, state, and federal level for the Western Riverside subregion.

Background:
This item is reserved for an update on key legislative proposals, dates, and deadlines. The updates are summarized as an attachment to this Staff Report.

Prior Action(s):
September 12, 2022: The Executive Committee received and filed.

March 1, 2021: The Executive Committee authorized the Executive Director to execute an MOU, substantially as to form, with SCAG for the REAP Subregional Partnership Program (SRP).

Fiscal Impact:
All staff and consultant expenses related to the preparation of this update are included in Fund 110 (General Fund) under the Transportation & Planning Department associated with the REAP SRP Program. SCAG is reimbursing WRCOG for all expenses related to this item as part of the previously approved REAP Grant.

Attachment(s):
Attachment 1 - Legislative Update

Key Legislative Deadlines - 2022 Legislative Session

- **July 1st** - Last day for policy committees to meet and report bills.
- **August 12th** - Last day for fiscal committees to meet and report bills.
- **August 25th** - Last Day to amend bills.
- **August 31st** - Last day for each house to pass bills.
- **September 30th** - Last day for the Governor to sign or veto bills.

2021 Bills that are active 2-year bills

SB 6, as amended, Caballero, Eggman and Rubio. Local Planning: housing: commercial zones. The Middle-Class Housing Act of 2022. Summary: The Middle-Class Housing Act of 2022 will unlock the development of additional housing units for middle-class Californians near job centers. The bill addresses a matter of statewide concern rather than a municipal affair; therefore, the bill will apply to all cities, including charter cities. The bill would deem a housing development project, as defined, an allowable use on a parcel that is within a zone where office, retail, or parking are a principally permitted use, if specified conditions are met, including requirements relating to density, public notice, comment, hearing, or other procedures, site location and size, consistency with sustainable community strategy or alternative plans, prevailing wage, and a skilled and trained workforce. The bill would authorize an interested party, including a labor organization that represents workers in the geographic area of the project, to bring an action for injunctive relief against a developer or prime contractor that proceeds with a project in violation of specified bidding requirements. The Bill would require the Department of Housing and Community Development to undertake at least 2 studies on the outcomes of the provisions in the bill that include specified information, including, among other things, the number of projects built and the number of units built. The bill would provide that these provisions become operative on July 1, 2023, and would repeal the provisions on January 1, 2033. ***December 7, 2020 - the Bill was introduced and read for the first time. May 24, 2021 the bill passed out of the Senate by a vote of 32-2. August 23, 2021 the Bill received author's amendments and was re-referred to the Assembly Committee on Housing and Community Development. June 20, 2022 the Bill again received authors amendments and on August 3, 2022 the Bill was set for hearing. August 25, 2022 the Bill was amended and ordered to a third reading. August 29, 2022 the Bill passed the Assembly by a vote of 67-13 and was ordered to the Senate for concurrence. August 29, 2022 the Bill passed out of the Senate by a vote of 34-0 and was ordered to enrolling and engrossing. September 6, 2022 the Bill was enrolled and presented to the Governor.***

SB 490, as amended, Caballero. *Community Anti-Displacement and Preservation Program*: technical assistance. Summary: The bill would, upon appropriation by the Legislature, establish the *Community Anti-Displacement and Preservation* Technical Assistance Program, with the purpose of providing technical assistance to qualified entities engaged in acquisition-rehabilitation projects. The bill would define "acquisition-rehabilitation project" as a project to acquire and preserve unsubsidized housing units and attaching long-term affordability restrictions on the housing units. The bill would define "qualified entity" to include an eligible nonprofit corporation, community land trust, public housing authority, a nonprofit, limited-equity, or workforce housing cooperative, a resident association or organization, and a local or a regional government agency administering an acquisition-rehabilitation project funding program. The Bill would create the *Community Anti-Displacement and Preservation Program* Technical Assistance Fund within the State Treasury and would, upon appropriation by the Legislature, allocate the moneys in the fund to the department for the purposes of developing, implementing and administrating the program. ***June 2, 2021 - the Bill was ordered to the inactive file at the request of the author and the Bill became a 2-year Bill. January 24, 2022 the Bill was read for a third time and passed out of the Senate by a vote 36-0. June 8, 2022 the Bill was amended by the author and on June 15, 2022 the Bill's hearing was postponed by the Committee. June 29, 2002 the Bill passed out of Committee by a vote of 7-0 and on August 11, 2022 the Bill passed out of Committee by a vote of 13-3. August 25, 2022 the Bill was amended to*** **the Buy American Food Act** ***and is no longer an affordable housing bill. August 31, 2022 the Assembly amendments were concurred and passed out of the Senate by a vote of 39-1. The Bill has been ordered to engrossing and enrolling.***

AB 682, as amended, Bloom. Planning and zoning: density bonuses: cohousing buildings.
Summary: The current Density Bonus Law, stipulates a city or county must provide a developer that proposes a housing development project within their jurisdiction a density bonus and other incentives, if the developer agrees to construct a project among other options, *10% of the total units of housing development for rental or sale to* lower *income households, as defined, or 5% of the total units for rental or sale to* very low-income households, as defined and meets other requirements. The bill would *provide that a housing development eligible for* a density bonus be provided under these provisions includes a shared housing building, as defined, that will contain either 10% of the *total* units for lower income *households* or 5% of the *total* units for very low-income households, as *described above*. The bill would prohibit the city, county, or city and county from requiring any minimum unit size requirements or minimum bedroom requirements in conflict with the bill's *provisions* with respect to shared housing building eligible for a density bonus under these provisions. ***March 15, 2021 - the Bill's hearing was postponed by the Committee and the Bill became a 2-year Bill. January 27, 2022 the Bill was read for a third time and passed out of the Assembly on a vote of 52-8. June 23, 2022 the Bill was referred to the Senate Committee on Appropriations and on August 2, 2022 the Bill has been ordered to a third reading. August 22, 2022 the Bill was amended. August 29, 2022 the Bill passed out of the Senate by a vote of 30-5 and on August 30, 2022 the Senate amendments were concurred in the Assembly by a vote of 58-2. The Bill as been ordered to engrossing and enrolling.***

AB 916, as amended, Salas. Zoning: accessory dwelling units: bedroom addition.
Summary: Under current Planning and Zoning Law, a city or a county is authorized to adopt ordinances that regulate the use of structures, buildings, and land for residential, commercial, industrial, and open space uses. The bill would prohibit a city or county from adopting or enforcing an ordinance that would require a public hearing as a condition of reconfiguring existing space to increase the number of bedrooms in an existing *dwelling unit. The bill would apply these provisions only to a permit application for no more than 2 additional bedrooms within an existing dwelling unit. The bill would specify that these provisions are not to be construed to prohibit a local agency from requiring a public hearing for a proposed project that would increase the number of dwelling units within an existing structure.* The bill would also include findings that ensuring adequate housing is a matter of statewide concern and is not a municipal affair. ***April 6, 2021 - the Bill was located in the Assembly Committee on Housing and Community Development and was amended by the author and the Bill became a 2-year Bill. January 27, 2022 the Bill was read for a third time and passed out of the Assembly by a vote of 61-0. June 30, 2022 the Bill passed out of the Senate Committee on Governance and Finance by a vote of 5-0. August 2, 2022 the Bill was ordered to a third reading. August 29,2002 the bill passed out of the Senate by a vote of 39-0 and on August 30, 2022 the Senate amendments were concurred in the Assembly by a vote of 76-0. The Bill has been ordered to engrossing and enrolling.***

AB 1445, as amended, Levine. Planning and zoning: regional housing need allocation: climate change impacts. **Summary:** Under current Planning and Zoning Law, each city and county are required to adopt a comprehensive general plan for development of land inside and outside of its boundaries. The general plan includes mandatory elements, such as a housing element. The law further stipulates that the council of governments or the planning department for cities and counties, without a council of governments adopt a final regional housing need plan that allocates a share of the regional housing need for each city and county. The proposed bill would authorize, as of January 1, 2025, that a council of governments, or the Department of Housing and Community Development also consider the following: An emergency evacuation route, wildfire risk, rise in sea level risk and other impacts caused by climate change. ***March 11, 2021 - the Bill was referred to the Assembly Committee on Housing and Community Development and Local Government and the Bill became a 2-year Bill. January 31, 2022 the Bill was read for a third time and passed out of the Assembly on a vote of 57-16. June 2, 2022 the Bill was amended and was re-referred to the Senate Committee on Appropriations. August 11, 2022 the Bill was amended and on August 15, 2022 the Bill was ordered to a third reading. August 29, 2022 the Bill passed out of the Senate by a vote 31-9 and on August 30, 2022 the senate amendments were concurred in the Assembly by a vote of 60-17. The Bill has been ordered to engrossing and enrolling.***

AB 1551, as amended, Santiago. Planning and zoning: development bonuses: mixed-use projects. **Summary:** Under current Density Bonus Law, a city or county must grant a developer that proposes a housing development with a density bonus, additional incentives or concessions. The incentives are provided if the developer agrees to construct a percentage of units for lower income, very low income, or senior citizen housing, among other things, subject to certain requirements. The current law was in place until January 1, 2022. The bill would reenact the above-described provisions regarding the granting of development bonuses for certain projects. The bill would also require a city or county to submit to the Department of Housing and Community Development information describing the approved commercial development bonus. *The bill would repeal these provisions on January 1, 2028* and add these duties to a local planning official. ***March 11, 2021 - the Bill was referred to the Assembly Committee on Housing and Community Development and Local Government and the Bill became a 2-year Bill. January 27, 2022 the Bill was read for a third time and passed out of the Assembly by a vote 61-0. June 1, 2022 the Bill passed out of the Senate Committee on Governance and Finance by a vote 7-0 and on June 22, 2022 the Bill was referred to the Senate Committee on Appropriations. August 1, 2022 the Bill was ordered to the consent calendar and on August 8, 2022 the Bill was taken from the Consent Calendar and ordered to a third reading. August 23, 2022 the Bill passed out of the Senate by a vote of 38-0 and on August 23, 2022 the bill was ordered to engrossing and enrolling. August 30, 2022 the Bill was enrolled and presented to the Governor.***

New Bills Introduced in the 2021–2022 Legislative Session

SB 922, as amended, Wiener. California Environmental Quality Act: exemptions for transportation-related projects. **Summary:** Current CEQA Law, exempts requirements for bicycle transportation plans in an urbanized area. The plans include projects for restriping of streets, bicycle parking, signal timing with the purpose of improving street and highway intersection operations, related signage for bicycles, pedestrians, and vehicles. The bill would extend the current exemption from January 1, 2030 to indefinitely. The bill would also repeal the current requirement that a bicycle transportation plan is for urbanized areas and would further extend the exemption to an active transportation plan or pedestrian plan, or for a feasibility and planning study for active transportation, bicycle facilities and pedestrian facilities. ***May 16, 2022 - the Bill passed out of the Senate by a vote of 24-1 and on May 27, 2022 the Bill was referred to the Assembly Committee on Natural Resources. June 29, 2022 the Bill passed out of the Assembly Committee on Appropriations by a vote of 15-0 and on August 8, 2022 the Bill was passed as amended. August 15, 2022 the Bill passed the Senate by a vote of 30-3 and was ordered to engrossing and enrolling. August 23, 2022 the Bill was enrolled and presented to the Governor.***

AB 1695, as amended, Santiago. Affordable housing loan and grant programs: adaptive reuse projects. **Summary:** Existing law establishes various programs and funding sources administered by the Department of Housing and Community Development to enable the development of affordable housing. The bill would provide that any notice of funding availability issued by the department for an affordable *multifamily* housing loan and grant program shall state that adaptive reuse of a property for affordable housing purposes is an eligible activity. The bill would define "adaptive reuse" *for these purposes* to mean the *retrofitting and* repurposing of an existing building *to create new residential units*. ***May 18, 2022 - the Bill passed the Assembly Committee on Housing and Community Development by a vote of 11-3. May 25, 2022 the Bill passed out of the Assembly by a vote of 54-12. June 22, 2022 the Bill passed out of the Senate Committee on Housing by a vote of 7-0 and was referred to the Senate Committee on Appropriations. August 24, 2022 the Bill was amended. August 29, 2022 the Bill passed out of the Senate by a vote of 40-0 and on August 30, 2022 the Senate amendments were concurred in the Assembly by a vote of 77-0. The Bill was ordered to engrossing and enrolling***

AB 2011, as amended, Wicks. Affordable housing and High Roads Jobs Act of 2022: streamlined ministerial approval for multifamily projects. **Summary:** The Planning and Zoning Law authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process and not subject to a conditional use permit, if the development satisfies specified objective planning standards. The Bill would make certain housing developments that meet specified affordability and site criteria and objective development standards a use by right within a zone where office, retail or parking are principally permitted use, and would subject these development projects to one of 2 streamlined, ministerial review processes. The Bill would require a development proponent for a housing development project approved pursuant to the streamlined, ministerial review process to require, in contracts with construction contractors, that certain wage and labor standards will be met, including *a requirement* that all construction workers be paid at least the general prevailing rate of wages, as specified. *This bill would define "use by right" for purposes of the Affordable Housing and High Road Jobs Act of 2022, in part, as a development project that is not a project for purposes of CEQA and the* approval process established by this bill would be ministerial in nature, thereby exempting the approval of development projects subject to the that approval process from CEQA. ***May 19, 2022- the Bill received authors amendments and passed out of the Assembly Committee of Housing and Community Development by a vote 11-1. May 23, 2022 the Bill passed out of the Assembly by a vote of 48-11. June 30, 2022 the Bill was referred to the Senate Committee on Appropriations and on August 11, 2022 the Bill was granted reconsideration. August 15, 2022 the Bill was ordered to a third reading and on August 25, 2022 the Bill was amended. August 29, 2022 the Bill passed out of the Senate by a vote of 33-0 and the Senate amendments were concurred in the Assembly by a vote of 67-4. The Bill was ordered to engrossing and enrolling and on September 6, 2022 the Bill was enrolled and presented to the Governor.***

AB 2295, as amended, Bloom. Local educational agencies: housing development projects.
Summary: The bill would deem a housing development project an allowable use on any real property owned by a local educational agency, as defined, if the housing development satisfies certain conditions, including other local objective zoning standards, objective subdivision standards, and objective design review standards. The bill would deem a housing development that meets these requirements consistent, compliant, and in conformity with local development standards, zoning codes or maps and the general plan. The bill would authorize the land used for the development of the housing development to be jointly used or occupied by the local educational agency and any other party, subject to the specified requirements. The bill would exempt a housing development project subject to these provisions from various requirements regarding the disposal of surplus land. The bill would *make these provisions effective on January 1, 2024, except that the bill would require the Department of Housing and Community Development to provide a specified notice to the planning agency of each county and city on or before January 31, 2023. The bill would repeal its provisions on January 1, 2033.* ***March 29, 2022 - the author amended the Bill and was re-referred to the Assembly Committee on Housing and Community Development. May 26, 2022 the Bill passed out of the Assembly by a vote of 50-19. June 22, 2022 the Bill passed as amended and was re-referred to the Senate Committee on Appropriations. August 1, 2022 the Bill received Author's amendments and on August 9, 2022 the Bill was ordered to a third reading. August 25, 2022 the Bill was again amended and on August 29, 2022 the bill passed out of the Senate by a vote of 26-10. August 30, 2022 the Senate amendments were concurred in the Assembly by a vote of 55-17. The Bill was ordered to engrossing and enrolling.***

AB 2339, as amended, Bloom. Housing element: emergency shelters: regional housing need.
Summary: Existing law requires that the housing element identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and make adequate provisions for the existing and the projected needs of all economic segments of the community. The bill would revise the requirements of the housing element, as described above, in connection with zoning designations that allow residential us, including mixed use, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The bill would delete language regarding emergency shelter standards structured in relation to residential and commercial developments and instead require that emergency shelters only be subject to specified written, objective standards. The bill would require that identified zoning designations where emergency shelters are allowed to include sites that meet at least one of certain prescribed standards. The bill would require those sites to be either (1) vacant and zoned for residential use. (2) vacant and zoned for non-residential use if the local government can demonstrate how the sites are connected to amenities and services that serve people experiencing homelessness. (3) nonvacant if the site is adequate and available for use as a shelter in the current planning period. *The bill would also authorize a local government to accommodate its need for emergency shelters on sites owned by the local government if it demonstrates that the sites will be made available for emergency shelter during the planning period, they are suitable for residential use, and the sites are located near amenities as specified.* ***April 28, 2022 - the author amended the bill and was referred to the Assembly Committee on Appropriations. May 25, 2022 the Bill passed out of the Assembly by a vote of 55-16. The Bill was referred to the Senate Committee on Housing and on June 16, 2022 the Bill was amended and re-referred to the Senate Committee on Appropriations. June 28, 2022 the Bill was read a second time and was ordered to a third reading. August 25, 2022 the Bill was amended and on August 29, 2022 the Bill passed out of***

the Senate by a vote of 29-7. August 30, 2022 the Senate amendments were concurred in the Assembly by a vote of 55-15 and the Bill was ordered to engrossing and enrolling.

AB 2668, as amended, Grayson. Planning and Zoning.

Summary: (1) The Planning and Zoning Law until January 1, 2026, authorizes a development to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards. Existing law specifies that a development is consistent with the objective planning standards if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards. This bill would clarify that a development subject to these provisions is subject to a streamlined, ministerial approval process, and not subject to a conditional use permit or any other non-legislative discretionary approval *The Bill would specify that a local government is required to approve a development if it determines that the development is consistent with objective planning standards, as specified.* The bill would prohibit a local government agency from determining that a proposed development is in conflict with the objective planning standards, if the application materials are not included and as long as the application contains sufficient information that would allow a reasonable person to conclude that the proposed development is consistent with the objective planning standards. (2) The Mitigation Fee Act requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee's use and the type of development on which the fee is imposed. Existing law requires a city, county, or special district that conducts an impact fee nexus study to follow specified standards and practices. This bill would define "city" for this purpose to include a charter city. (3) The Bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. **March 31, 2022 - the Bill received Author's Amendments and on May 16, 2022 the Bill passed out of the Assembly by a vote of 68-0. June 30, 2022 the Bill was amended and passed out of the Senate Committee on Governance and Finance by a vote of 5-0. August 10, 2022 the Bill was amended and on August 11, 2022 the Bill was ordered to a third reading. August 18, 2022 and August 22, 2022 the Bill was amended and on August 31, 2022 the Bill passed out of the Senate by a vote of 40-0. August 31, 2022 the Senate amendments were concurred in the Assembly by a vote of 74-0 and the Bill was ordered to engrossing and enrolling.**

Bills Introduced in the 2021-2022 Legislative Session, signed into law.

AB 2179, as amended, Grayson. Development Fees: deferral.

Summary: Under current law, a local agency is prohibited from imposing fees on a residential development for the construction of public improvements or facilities and requiring the payment fees until the date of the final inspection or the date the certificate of occupancy is issued or whichever comes first. The bill would prohibit a noncompliant municipality, as defined, that imposes any fees or charges on a qualified development project, from requiring the payment of fees until 20 years from the date of the final inspection or the date of the certificate of occupancy is issued or whichever comes first. ***February 24, 2022 - the Bill was referred to the Assembly Committees on Local Government and Housing and Community Development. March 24, 2022 the Bill was re-referred to the Assembly Committee on the Judiciary. March 24, 2022 The Bill received author's amendments and became the Covid-19 relief: Tenancy Bill. March 28, 2022 the Bill passed the Assembly by a vote of 62-1 and on March 31, 2022 the Bill passed the Senate by a vote of 31-5. The Bill was enrolled and presented to the Governor for signature and on March 31, 2022 the Bill was signed by the Governor and Chaptered by the Secretary of State.***

The new bill extends, through June 30, 2022, two key components of California's answer to the economic hardship that the Covid -19 pandemic brought upon residential landlords and tenants: **1.** Protections against eviction for nonpayment of rent, but only in cases where an applicant for emergency rental assistance to cover the unpaid rent was pending as of March 31, 2022; and **2.** Preemption of additional local protections against eviction for nonpayment of rent that were not in place on August 19, 2020.

2021-2022 Bills - that failed to meet Key Legislative Deadlines

SB 1067, as amended, Portantino. Housing development projects: automobile parking requirements.
Summary: The bill would prohibit a city or county from imposing any minimum automobile parking requirement on a housing development project, as defined, that is located within ½ mile of a public transit, as defined. The bill, would authorize a City and County to impose or enforce minimum automobile parking requirements on a housing development project if the local government *makes written findings,* within 30 days of the receipt of a completed application, that *not imposing or enforcing minimum automobile parking requirements on* the development would have a negative impact, supported by the preponderance of the *evidence in the record,* that the city's or the county's ability to meet its share of specified housing needs or existing or existing residential or commercial parking is within ½ mile of the housing development. The bill would create an exception from the above-described provision if the development either dedicates a minimum of 20% of the total number of housing units to very low, low- or moderate-income households. *The bill would prohibit these provisions from reducing, eliminating, or precluding the enforcement of any requirement imposed on a housing development project that is located within ½ mile of public transit to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities.* The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. **April 27, 2022 - the Bill passed the Senate Committee on Housing by a vote 6-2 and was re-referred to the Senate Committee on Appropriations. May 24, 2022 the Bill passed out of the Senate by a vote of 23-8. June 15, 2022 the Bill was amended and on June 30, 2022 the Bill was again amended and re-referred to the Assembly Committee on Appropriations. August 3, 2022 the Bill was placed in the suspense file and on August 11, 2022 the Bill was held in Committee under submission.**

SB 1292, as amended, Stern. Accessory dwelling units: setbacks.
Summary: The current State Planning and Zoning Law, provides for the creation of accessory dwelling units – by local ordinance, or if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Existing law prohibits a local agency's accessory dwelling unit ordinance from imposing a setback requirement of more than 4 feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions of the existing structure. The bill would remove this prohibition on a local agency's accessory dwelling unit ordinance and would instead provide that the rear and side yard setback requirements for accessory dwelling units may be set by the local agency. The bill would authorize an applicant of an accessory dwelling unit to submit a request for an alternative rear and side yard setback requirement, if the local agency's setback requirements make the building of the unit infeasible. The bill would also prohibit any rear and side yard setbacks requirements previously established to be greater than those in effect on January 1, 2020. The bill further stipulates that if the local agency has not established an accessory dwelling unit ordinance as of January 1, 2020, the applicant rear and side yard setback requirement is 4 feet. ***March 16, 2022 - the Bill received author's amendments and was Re-referred to the Senate Committee on Housing. The Bill was set for a hearing on March 24, 2022 and the Bill's hearing was canceled at the request of the author.***

SB 1369, as introduced, Wieckowski. Adaptive reuse projects: by-right: funding.
Summary: The bill would make an adaptive reuse project a use by right in all areas, regardless of zoning. The bill defines "adaptive reuse project" as any commercial, industrial, public or office building that has 25% occupancy or less which will be converted into a residential development project. The bill would define "use by right" to mean that the city or the County's review of the adaptive reuse project may not require a conditional use permit, planned unit development permit, or other discretionary city or county review or approval that would constitute a "project" for purposes of CEQA, as specified. Therefore, adaptive reuse projects would not be subject to CEQA. ***March 9, 2022 - the Bill was referred to the Senate Committees Government and Finance, Housing and Environmental Quality. March 22, 2022 the Bill was set for a hearing for March 31, 2022. The Bill's hearing was canceled at the request of the author.***

SB 1466, as introduced, Stern. Affordable Housing and Community Development Investment Program.
Summary: The bill would establish the ***Affordable Housing and Community Investment Program***, which would be administered by the Affordable Housing and Community Development Investment Committee. The

bill would authorize a city, county, affordable housing authority, community revitalization and investment authority or a city, joint power agency, or a combination of these entities to apply to the Affordable Housing and Community Development Investment Committee for participation in the program. The bill would authorize the Committee to approve or deny plans for projects meeting specific criteria. The bill would also authorize certain local agencies to establish an affordable housing and community development investment agency and authorize an agency to apply for funding under the program and issue bonds, as provided, to carry out a project under the program. ***March 9, 2022 - the Bill was referred to the Senate Committees on Government and Finance and Housing.***

AB 411, as amended, Irwin. Veterans Housing and Homeless Prevention Bond Act of 2022.
Summary: Under current law, the Veterans Housing and Homeless Prevention Bond Act of 2014 authorizes the issuance of bonds in the amount of $600,000,000. The bond is to provide housing for veterans and their families. The bill would enact the Veterans Housing and Homeless Prevention Bond Act of 2022 which will authorize the issuance of bonds in an amount, not to exceed $600,000,000. The bill also stipulates that the handling and disposition of the funds would occur in the same manner as the 2014 bond act. *The Bill would provide for the submission of the Bond Act to the voters at the March 24, 2024 Statewide Primary Election.* ***The bill requires a 2/3rds vote. May 20, 2021 - the Bill was located in the Assembly Committee on Appropriations and the hearing was postponed by the Committee and the Bill became a 2-year Bill. January 31, 2022 the Bill was read for a third time and passed out of the Assembly by a vote of 76-0. June 15, 2022 the Bill passed out of the Senate Committee on Governance and Finance and was re-referred to the Senate Committee on Appropriations. June 27, 2022 the Bill was referred to the Suspense File. August 11, 2022 the Bill is in Committee and is being held under submission.***

AB 1674, as introduced, Voepel. Building Standards: photovoltaic requirements: accessory dwelling units. Summary: The bill would prohibit an accessory dwelling unit from being considered a newly constructed building for the purposes of the California Energy Code relating to the photovoltaic requirements for newly constructed buildings that are classified as a low-rise residential building. This bill would also require the Energy Commission, to study exempting accessory dwelling units from the specified photovoltaic requirements and make their recommendations to the California Building Standards Commission in time for the consideration and adoption for the next California Building Standards Code adoption cycle. ***January 27, 2922 - the Bill was referred to the Assembly Committees on Housing and Community Development and Natural Resources.***

AB 1910, as introduced, Garcia. Publicly owned golf courses: conversion: affordable housing.
Summary: The bill would require the Department of Housing Community Development to administer a grant program for local agencies that would enter into a development agreement for the conversion of golf courses owned by the local agency for the purposes of housing and publicly accessible open space. The bill would require the Department to award grants based on the number of affordable units that the local agency proposes to construct as part of the conversion project. ***February 18, 2022 - the Bill was referred to the Assembly Committees on Housing and Community Development and Local Government. April 6, 2022 the bill was set for its first hearing and the hearing was canceled at the request of the author. May 11, 2022 the Bill was referred to the Suspense File. May 19, 2022 the Bill is being held under submission.***

AB 1976, as amended, Santiago. Planning and zoning: housing element compliance: very low and lower-income households.
Summary: Existing law requires the Department of Housing and Community Development (HCD), in consultation with each council of governments, to each region’s existing and projected housing need, and requires each council of governments, or the department for cities and counties without a council of governments to adopt a final regional housing need plan that allocates a share of the regional housing need to each city and county. The bill would authorize HCD, after notifying the City or County of the violation of the housing element provision and before notifying the Attorney General, either to complete the rezoning to accommodate 100% of the allocated need for housing for very low and lower income households on behalf of local government within the counties of Imperial, Los Angeles, Orange, Riverside or Ventura that failed to complete that rezoning by the required deadline, or to impose administrative civil penalties upon the local government of up to $10,000 per day until the local government is longer in violation of state law or HCD decides to refer the violation to the Attorney General. The bill would also authorize the court to order the appointment of an agent of the court to bring the jurisdiction’s housing element into substantial compliance, if

the jurisdiction has not brought its housing element into substantial compliance after 3 months following the imposition of the initial fine. ***March 17, 2022 - the Bill was referred to the Assembly Committees on Housing and Community Development and Local Government.*** ***March 21, 2022 the Bill received authors amendments and was re-referred to Committee.***

AB 2053, as amended, Lee Carrillo and Kalra. The Social Housing Act.
Summary: The bill would enact the Social Housing Act and would create the California Housing Authority, as an independent state body, the mission of which would be to produce and acquire social housing developments for the purposes of eliminating the gap between housing production and regional housing needs assessment targets. The bill will would prescribe the composition of the California Housing Authority Board, which will govern the authority. The Bill would proscribe the powers and duties of the authority and the board. ***April 21, 2022 - the Bill was referred to the Assembly Committee on Appropriations and on May 19, 2022 the Bill was amended. May 25, 2022 the Bill passed out of the Assembly by a vote of 47-20. June 14, 2022 the Bill was amended by the author.*** ***June 30, 2022 the Bill failed passage and a reconsideration was granted.***

AB 2186, as amended, Grayson. Housing Cost Reduction Incentive Program.
Summary: The bill would establish the Housing Cost Reduction Incentive Program which would be administered by the Department of Housing and Community Development. The program would be established for the purposes of reimbursing cities and counties for the development impact fee waivers or reductions that are provided to qualified rental housing developments. Upon budget appropriation, the bill would require the Department to provide grants to applicants in an amount which is equal to 50% of the amount of the development impact fee waived or reduced for a qualified rental housing development. The bill would further require *a public entity* that receives *grant funds* under the program to use the funds solely for the purposes of which the development impact fee that was waived or reduced would have been used for. ***March 23, 2022 - the Bill received author's amendments and on May 23, 2022 the Bill passed out of the Assembly by a vote of 74-0. June 30, 2022 the Bill passed out of Committee and was referred to the Senate Appropriations Committee. August 8, 2022 the Bill was referred to the suspense file and on August 11, 2022 the Bill was held under submission.***

AB 2218, as amended, Quirk Silva. California Environmental Quality Act: Standing: Proposed infill housing projects.
Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. The bill would provide that a person does not have standing to bring an action or proceeding to attack, review, set aside, void or annul acts or decisions of a public agency undertaken to implement a project involving the development of housing at an infill site, unless the person resides within 20 miles of the project. ***February 24, 2022 - the Bill was referred to the Assembly Committees of Banking and Finance and Privacy & Consumer Protection. March 9, 2022 the author amended the Bill and the Bill was re-referred to Committee.*** ***March 17, 2022 the Bill was re-referred to the Assembly Committee on Rules – pursuant to Rule 96.***

AB 2428, as introduced, Ramos. Mitigation Fee Act: fees for improvements: timeline for expenditures.
Summary: The Mitigation Fee Act requires a local agency, that establishes, increases or imposes a fee as a condition of approval of a development project to determine a reasonable relationship between the fee's use and the type of development project for which the fee is imposed. The Act imposes additional requirements for fees imposed that provide for the improvement to be constructed and that the fees are deposited in a separate capital facilities account or fund. The bill would require a local agency to impose that a project applicant to deposit fees in an escrow account for specified project improvements. The requirement will be imposed as a condition to receiving a conditional use permit or equivalent development permit. The fees must be expended within 5 years of the deposit. ***March 3, 2022 - the Bill was referred to the Assembly Committees on Local Government and Housing and Community Development.***

<u>AB 2485, as introduced, Choi. California Environmental Quality Act: exemption: emergency shelters and supportive housing.</u>
Summary: CEQA Law, currently exempts from its environmental review numerous categories of projects. The bill would exempt from the requirements of CEQA, emergency shelters and supportive housing for the homeless population. ***March 10, 2022 - the Bill was referred to the Assembly Committees on Natural Resources and Housing and Community Development.***

<u>AB 2705, as amended, Quirk-Silva. Housing: fire safety standards.</u>
Summary: Under current law, the State Fire Marshall is required to prepare, adopt and submit building standards, as well as other fire and life safety regulations to the California Buildings Standards Commission for approval. This bill would prohibit a legislative body of a county or city from approving a discretionary entitlement, that would result in a new residential development project located within a very high fire hazard severity zone, unless the county or city finds that the residential development project will meet specified standards that would address wildfire risks. ***April 7, 2022 - the Bill received Author's amendments and on May 26, 2022 the Bill passed out of the Assembly by a vote of 73-0. June 22, 2022 the Bill passed out of Committee and was referred to the Senate Committee on Appropriations. August 1, 2022 the Bill's hearing was postponed by the Committee and on August 8, 2022 the Bill was referred to the suspense file. August 11, 2022 the Bill was held under submission.***

<u>AB 2719, as introduced, Fong. California Environmental Quality Act: exemptions and highway safety.</u>
Summary: CEQA Law, currently exempts from its environmental review numerous categories of projects, including emergency projects undertaken, carried out or approved by a public agency which will repair, maintain, or restore an existing road. The bill would exempt from the requirements of CEQA highway safety improvement projects, as defined by the bill and undertaken by the Department of Transportation or a local agency. ***March 10, 2022 - the Bill was referred to the Assembly Committee on Natural Resources and on April 5, 2022 the Bill was set for its first hearing. The hearing was canceled at the request of the author.***

<u>AB 2762, as introduced, Bloom. Housing: parking lots.</u>
Summary: Under current State Planning and Zoning Law, each county and city are required to adopt a comprehensive, long-term general plan for the physical development of the county or city and specified land outside its boundaries. The general plan must include mandatory elements, including a housing element. This bill would allow local agencies to build affordable housing on parking lots that serve public parks and recreational facilities. ***February 18, 2022 - the Bill was introduced and a hearing has not been set for the Bill.***

Western Riverside Council of Governments
WRCOG Executive Committee

Staff Report

Subject: **Cal Cities Activities Update**

Contact: **Erin Sasse, Regional Public Affairs Manager, Cal Cities, esasse@cacities.org, (951) 321-0771**

Date: **October 3, 2022**

Requested Action(s):
1. Receive and file.

Purpose:
The purpose of this item is to provide an update of activities undertaken by Cal Cities.

WRCOG 2022-2027 Strategic Plan Goal:
Goal #1 - Serve as an advocate at the regional, state, and federal level for the Western Riverside subregion.

Background:
The League of California Cities has been shaping the Golden State's political landscape since the association was founded in 1898. It defends and expands local control through advocacy efforts in the Legislature, at the ballot box, in the courts, and through strategic outreach that informs and educates the public, policymakers, and opinion leaders. Cal Cities also offers education and training programs designed to teach city officials about new developments in their field and exchange solutions to common challenges facing their cities.

Information regarding legislation of interest to Cal Cities members is provided as Attachment 1.

Prior Action(s):
September 12, 2022: The Executive Committee received and filed.

Fiscal Impact:
This item is for informational purposes only; therefore, there is no fiscal impact.

Attachment(s):
Attachment 1 - Cal Cities Legislative Update

SB 6 (Caballero) and AB 2011 (Wicks), which would require cities to approve housing in areas zoned for office, retail, and parking, made it to the Governor's desk. One key difference is that SB 6 would still allow the California Environmental Quality Act (CEQA) to apply. AB 2011 on the other hand, would require cities to ministerially approve, without condition or discretion, such developments. A developer would be able to choose which of the two processes to use.

Cal Cities secured additional flexibility for cities in both bills. However, Cal Cities remains opposed to the measures and is asking the Governor to veto them.

Cal Cities is also requesting a veto for SB 897 (Wieckowski). The measure would make numerous changes to accessory dwelling unit (ADU) law, even though the law has been amended each of the last five years. Most notably, this measure would force cities to allow 25-foot ADUs if they are attached to the primary dwelling. This would effectively create two-story structures.

AB 2097 (Friedman) would significantly restrict parking requirements within one half-mile of public transit, which the bill defines as a high-quality transit corridor with a 15-minute interval or a major transit stop. It would also prohibit a city from imposing parking requirements on certain other housing projects, regardless of how far they are out from transportation. Despite Cal Cities opposition, the bill was signed by the Governor.

The data-collection bill AB 2752 (Wood) would create an interactive map showing all developed last-mile broadband service connections from the state's open-access, middle-mile broadband project. Last-mile connections are the final connection between an internet company and an end user. Cal Cities is requesting the Governor sign AB 2752, as the additional information would help close the digital divide faster.

Cal Cities supported AB 1938 (Freidman), which was signed by the Governor. The bill would clarify that cities have the authority to lower their speed limits, as outlined in last year's AB 43 (Friedman, 2021).

Cal Cities is seeking a veto on AB 1685 (Bryan). This measure would require cities to forgive at least $1,500 in parking fines and fees annually for people experiencing homelessness. The measure would significantly increase financial and administrative costs for cities. Moreover, there are already many local and statewide programs in place that reduce the financial burden of these citations.

The Cal Cities-sponsored AB 1985 that was signed by the Governor would give cities an additional two years to comply with SB 1383's (Lara, 2016) procurement requirements. The bill builds on the $180 million secured in the 2022-23 State Budget for the new organic waste recycling regulations.

Lawmakers passed several public safety measures that would be beneficial to cities. Cal Cities is requesting the Governor's signature on AB 1740 (Muratsuchi) and SB 1087 (Gonzalez). The two bills would increase the tracking of catalytic converter sales and outline parameters for who may purchase or possess them. Since 2020, the number of catalytic thefts in California has spiked. However, police officers have few tools to respond, making this a critical measure.

Cal Cities is requesting a veto for SB 1186 (Wiener), a bill that would require all jurisdictions to change their ordinances to allow for the delivery of medicinal cannabis. The measure disregards both the intent of the state's regulatory cannabis framework and the reality that local jurisdictions in California have vastly different needs. Unfortunately, this bill was signed.

AB 1951 (Grayson) would convert the current state General Fund-only sales and use tax exemption for the purchase of manufacturing equipment into a full exemption, including locally approved tax rates. The measure would create an estimated $2 billion revenue loss for local governments. Notably, the exemption does not have any requirements attached, such as job creation. This bill was vetoed by the Governor.

Similarly, AB 2887 (E. Garcia) would increase the annual sales and use tax exclusion limit by $50 million for eligible alternative energy and advanced manufacturing. The annual local government revenue loss for AB 2887 would exceed $25 million annually for 3 years. Cal Cities is requested a veto but the bill was signed by the Governor.

AB 2622 (Mullin) would extend the sales and use tax exemption provided to local governments for zero-emission transit buses. Cal Cities is requested the Governor's signature for AB 2622 and it was signed.

Governor Newsom has until Sept. 30 to sign or veto any bills that reach his desk.

Western Riverside Council of Governments
WRCOG Executive Committee

Staff Report

Subject: **Approval of One TUMF Reimbursement Agreement Amendment**

Contact: **Chris Gray, Deputy Executive Director, cgray@wrcog.us, (951) 405-6710**

Date: **October 3, 2022**

Requested Action(s):

1. Authorize the Executive Director to execute Amendment Number 2 to a TUMF Reimbursement Agreement with the City of Corona for the Planning, Design, Right-Of-Way, and Construction Phases of the Auto Center Drive BNSF Railroad Grade Separation in an amount not to exceed $2,120,000.

Purpose:

The purpose of this item is to request approval of one Transportation Uniform Mitigation Fee (TUMF) Reimbursement Agreement.

WRCOG 2022-2027 Strategic Plan Goal:

Goal #5 - Develop projects and programs that improve infrastructure and sustainable development in our subregion.

Background:

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.

TUMF Reimbursement Agreement

One Reimbursement Agreement Amendment is being presented for approval. A Reimbursement Agreement is a document between WRCOG and a member agency and allows WRCOG to provide funding for TUMF expenses incurred for the Planning, Design, Engineering, and/or Construction Phase of a TUMF project. To enter into a Reimbursement Agreement, the funding for the project must first be allocated in the appropriate TUMF Zone Transportation Improvement Program (TIP). The following reimbursement agreement is presented for approval.

City of Corona:

1. The City of Corona has previously entered into a Reimbursement Agreement related to the Planning, Design, Right-of-Way, and Construction Phases for the Auto Center Drive BNSF Railroad Grade Separation. The total reimbursement amount requested is $2,120,000. This Amendment maintains the overall cost of the Reimbursement Agreement but reallocates the funds

to be within the following categories:

- Planning: $74,238
- Design: $295,057
- Right-of-Way: $1,128,890
- Construction: $621,815

The primary reason why the City of Corona is requesting this Amendment is that the City is seeking reimbursement for construction expenses. The Northwest Zone Technical Advisory Committee and Executive Committee have already approved an updated Northwest Zone TIP which allocates funds, consistent with the Reimbursement Agreement.

Prior Action(s):
March 1, 2010: The Executive Committee approved Amendment No. 1 to the 2005 Reimbursement Agreement to increase overall project funding to $2,120,000 for Planning, Design, and Right-Of-Way Phases for the Auto Center Drive Grade Separation with the City of Corona.

December 5, 2005: The Executive Committee approved a Reimbursement Agreement for $700,000 for the Planning Phase for the Auto Center Drive Grade Separation with the City of Corona.

Fiscal Impact:
Transportation Department activities are included in the Agency's adopted Fiscal Year 2022/2023 Budget under the Transportation Department. This Reimbursement Agreement is consistent with the previously approved Northwest Zone TIP. TUMF reimbursements are programmed under Fund 220.

Attachment(s):
Attachment 1 - Amendment 2 to 05-NW-COR-1046

AMENDMENT NO. 2 TO TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM AGREEMENT

Auto Center Drive BNSF RR Grade Separation

This Amendment No. 2 to Transportation Uniform Mitigation Fee Program Agreement (“Amendment No. ___”) is entered into this ______ day of _______________, 202_, by and between the WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (“WRCOG”) and City of Corona (“AGENCY”). WRCOG and the AGENCY are sometimes referred to individually as “Party” and collectively as “Parties.”

RECITALS

A. WRCOG and AGENCY have entered into an agreement titled “Transportation Uniform Mitigation Fee Program Agreement” that is dated **August 30, 2005** (“Agreement”). The Agreement provides the terms and conditions, scope of work, schedule and funding amount for the construction of the **Auto Center Drive BNSF RR Grade Separation** (hereinafter the “Project”).

B. WRCOG and AGENCY have entered into an amendment to the Agreement titled “Amendment No. 1 to Transportation Uniform Mitigation Fee Program Agreement” that is dated March 17, 2010(“Amendment No.1”).

C. The Parties desire to amend the Agreement as amended by Amendment No. 2 by modifying the funding amount pursuant to Sections 6 and 33 of the Agreement.

AGREEMENT

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

1. The Funding Amount contained in Section 2 of the Agreement, as amended by Amendment No. 1 hereby remains at an amount not to exceed $2,120,000**.**

2. The portion of the Funding Amount allocated for Planning & Environmental (PA&ED) is hereby decreased to an amount not to exceed **$74,238**.

3. The portion of the Funding Amount allocated for Design & Engineering (ENG) is hereby decreased to an amount not to exceed **$295,057**.

4. The portion of the Funding Amount allocated for Right-of-Way (ROW) is hereby decreased to an amount not to exceed **$1,128,890**.

5. The portion of the Funding Amount allocated for Construct (CON) is hereby increased to an amount not to exceed **$621,815**.

2. The foregoing changes in the Funding Amount is within the Maximum TUMF Share.

3. Exhibits "A", "A-1", and "A-2" of the Agreement as amended by Amendments No. 1 are hereby replaced in their entirety by Exhibits "A", "A-1", and "A-2" of this Amendment No. 2, which are attached hereto and incorporated by reference.

5. The above-stated Recitals are hereby fully incorporated into this Amendment No. 2.

6. Except to the extent specifically modified or amended hereunder, all of the terms, covenants and conditions of the Agreement as amended shall remain in full force and effect between the Parties hereto.

IN WITNESS WHEREOF, the Parties have caused this Amendment No. 2 to be executed by their duly authorized representatives to be effective on the day and year first written above.

WESTERN RIVERSIDE COUNCIL
OF GOVERNMENTS

By: _______________________________
Dr. Kurt Wilson, Executive Director

Approved to Form:

By: _______________________________
Steven C. DeBaun
General Counsel

City of Corona

By: _______________________________
[AGENCY REPRESENTATIVE]

Approved to Form:

By: _______________________________
[INSERT NAME OF AGENCY COUNSEL]

Attest:

By: _______________________________
[INSERT NAME OF CLERK]

Exhibit A

SCOPE OF SERVICES

TUMF funds to be utilized to for Planning and Environmental Document, Engineering Design, and Right-of-Way Acquisition for a future grade separation at this location.

Auto Center Drive is a four-lane secondary arterial that currently carries 9,800 vehicles per day. Recent traffic model runs for the City's General Plan showed that traffic volumes will more than double by the year 2025. A 2001 study of goods movements by WRCOG, indicated that due to expected increase of number of trains and vehicles, the total vehicles hours of delay will increase from 10.4 hours to 88.1 hours per day by 2020. A subsequent study by RCTC ranked this location in the second priority grouping of grade crossings in the western county for future grade separation funding.

Auto Center is a fully improved on both sides of the grade crossing. The proposed grade separation will be designed to tie to existing improvements. The design will also be coordinated with a proposed Prado Dam dike project, which is expected to raise the road alignment north of the tracks.

This project is a critical link to the Railroad-Auto Center-Serfas Club corridor which serves as an east-west alternative to one of the most congested segment of the 91 Freeway through Corona. It also serves as an important alternative route to traffic generated from the unincorporated County areas north of Corona and Norco who choose to avoid using the I-15 and SR- 71.

EXHIBIT “A-1”

ESTIMATE OF COST

Phase	TUMF	LOCAL	TOTAL
PA&ED	$74,238	$100,000	$174,238
PS&E	$295,057	$1,500,000	$1,795,057
RIGHT OF WAY	$1,128,890	$1,100,000	$2,228,890
CONSTRUCTION	$621,815	$21,000,000	$21,621,815
TOTAL	$2,120,000	$23,700,000	$25,820,000

EXHIBIT "A-2"

PROJECT SCHEDULE

Phase	Completion Date	Estimated Cost	Comments
PA&ED	2007	$174,238	
PS&E	2009	$1,795,057	
RIGHT OF WAY	2016	$2,228,890	
CONSTRUCTION	2016	$21,621,815	
TOTAL		$25,820,000	

Western Riverside Council of Governments
WRCOG Executive Committee

Staff Report

Subject: **Approval of Amendment No. 1 to the Professional Services Agreement with AECOM for the Western Riverside County Energy Resilience Plan**

Contact: **Daniel Soltero, Program Manager, dsoltero@wrcog.us, (951) 405-6738**

Date: **October 3, 2022**

Requested Action(s):

1. Approve Amendment No. 1 to the Professional Services Agreement with AECOM authorizing an increase to the contract amount and extra work related to the Western Riverside County Energy Resilience Plan.

Purpose:
The purpose of this item is to request approval of Amendment No. 1 to the Professional Services Agreement with AECOM for the development of the Western Riverside County Energy Resilience Plan.

WRCOG 2022-2027 Strategic Plan Goal:
Goal #6 - Develop and implement programs that support resiliency for the subregion.

Background:
In November 2019, the Bay Area Council announced the California Resilience Challenge (CRC), a statewide effort led by businesses and a diverse range of partners that provides grants for local governments to build climate resiliency and to support a shared vision for a resilient California in the face of increasing climate threats.

On February 3, 2020, the WRCOG Executive Committee adopted a resolution authorizing WRCOG's submittal of a proposal to the CRC 2020 Grant Program to develop a Western Riverside County Energy Resiliency Plan to address local energy resiliency against power outage impacts on the subregion's power supply for critical facilities maintained and operated by member agencies.

In April 2020, the Bay Area Council, through the CRC, awarded WRCOG a $200,000 grant to develop the Plan to build resiliency against power shutoffs and/or power issues at subregional critical facilities by developing a blueprint for energy resiliency technologies, projects, and strategies for member agencies.

On December 9, 2020 the Administration & Finance Committee authorized the Executive Director to award a contract to AECOM for the development of the Energy Resilience Plan and to execute a Professional Services Agreement between WRCOG and AECOM.

On February 8, 2021, WRCOG entered into an agreement with AECOM to develop the Western

Riverside County Energy Resiliency Plan.

Amendment No. 1 to the Professional Services Agreement

The purpose of the Western Riverside County Energy Resiliency Plan is to assess subregional critical facilities and identify the feasibility of implementing future microgrids and/or other energy resilience solutions to maintain power supply during outages. To determine if microgrids or other energy resiliency solutions are viable, an in-depth technical feasibility study was conducted at three critical facilities across the subregion.

Staff are requesting approval of Amendment No. 1 to the Professional Services Agreement with AECOM to increase the contract amount and authorize extra work for development of the Western Riverside County Energy Resilience Plan. The extra work is an energy resilience study on a fourth facility, Fire Station 17 in the City of Jurupa Valley, which is due to switching the facilities undergoing the analysis after the consultant had already started on the initial selection of facilities. This extra work was not initially anticipated; however, it is required in order to complete the analysis portion and to meet the goals and intent of the Plan.

As part of the Plan, the consultant conducted an energy resilience analysis on three facilities in the subregion. A prioritization method was developed to rank and select the facilities, which identified Fire Station 16 in the City of Jurupa Valley. In November 2021, WRCOG staff convened a meeting with the Plan's Advisory Group, which consists of representatives from the Cities of Banning, Jurupa Valley, Moreno Valley, Riverside, and Temecula to seek feedback on which of the highest ranked facilities would be selected for the technical study. At the conclusion of the meeting, the parties had selected the Beaumont Wastewater Treatment Plant, Fire Station 16 in Jurupa Valley, and the City of Menifee's Kay Ceniceros Senior Center. Between December 2021 and April 2022, staff and the consultant received various data from the facility managers and started the analysis portion of the Plan, which includes reviewing energy and building data, site plans, a call to confirm the findings, and developing resilience solutions to maintain power at the facility.

In regard to the analysis of Fire Station 16, Jurupa Valley City staff designated the CAL FIRE Facilities Manager as the primary contact for the analysis since CAL FIRE and the County of Riverside Fire Department jointly operate the facility. On May 18, 2022, staff and the consultant met with the CAL FIRE Facilities Manager for Jurupa Valley Fire Station 16 to discuss and confirm our understanding of the data and the building's use, operations, and condition. During the meeting, CAL FIRE staff expressed that Fire Station 16 is an old building, small, and not suitable for a resilience center or energy system upgrades that may be identified through the Plan. Instead, the Facilities Manager directed WRCOG staff and the consultant to Fire Station 17, which is still in the City of Jurupa Valley, but is much larger, newer, and more suitable building for the goals and intent of the Plan. Staff agree that continuing with Fire Station 16 would not meet the intent and goals of the Plan, and that pivoting to Fire Station 17 would be appropriate.

By then the consultant had already spent significant time and its budget on analyzing Fire Station 16; pivoting to Fire Station 17 would force the consultant to do extra work on a fourth facility. In order to streamline the workflow, the consultant had setup and ran an analysis model and drafted the report for the first fire station. The remaining work was to calibrate the analysis model outputs based on the confirmation call with the facility manager. This work will have to be re-done for the new facility, Fire Station 17, which the consultant has agreed to complete for an additional $3,500. Notably, the quoted

$3,500 for the extra work is less than the $5,000 option to analyze a fourth facility as outlined in the original Professional Services Agreement. As such, staff are requesting Amendment No. 1 to increase the contract amount to compensate the extra work.

Prior Action(s):

September 14, 2022: The Administration & Finance Committee recommended that the Executive Committee approve Amendment No. 1 to the Professional Services Agreement with AECOM authorizing an increase to the contract amount and extra work related to the Western Riverside County Energy Resilience Plan.

December 9, 2020: The Administration & Finance Committee authorized the Executive Director to award the contract to AECOM for the development of the Western Riverside County Energy Resilience Plan and to execute the Professional Services Agreement between WRCOG and AECOM.

February 3, 2020: The Executive Committee adopted Resolution Number 01-20; A Resolution of the Executive Committee of the Western Riverside Council of Governments authorizing submittal of a proposal to the California Resilience Challenge 2020 Grant Program.

Fiscal Impact:

The extra work authorized under Amendment No. 1 will cost $3,500; subsequently, the contract amount for Contract 2021-67-2225-013 will be increased to $143,200. The California Resilience Challenge budget (110-67-2225) is being amended to cover the cost of the revised contract amount by reducing Salaries & Benefits (60001 and 61000, respectively), increasing Legal (65101) and Consulting Labor (85101) line items. This budget is funded by the California Resilience Challenge grant which was awarded to WRCOG in 2020.

Attachment(s):

Attachment 1 - First Amendment to the Professional Services Agreement between WRCOG and AECOM

FIRST AMENDMENT TO

**AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN
WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS
AND
AECOM TECHNICAL SERVICES, INC.**

1. PARTIES AND DATE.

This First Amendment is made and entered into this 14th day of September 2022, by and between the Western Riverside Council of Governments, a California public agency ("WRCOG"), and AECOM Technical Services, Inc., ("Consultant"). WRCOG and Consultant are sometimes individually referred to as "Party" and collectively as "Parties."

2. RECITALS.

2.1 Master Agreement.

WRCOG and Consultant have entered into that certain Professional Services Agreement dated February 8, 2021 ("Master Agreement").

2.2 First Amendment.

WRCOG and Consultant desire to enter into this First Amendment for the purposes of increasing the compensation and authorizing extra work.

3. TERMS.

3.1 Extra Work.

The Services, as that term is defined in the Master Agreement, is amended to include a microgrid/energy resilience analysis and concept design for a fourth facility. The Services for the fourth facility shall be in accordance with the requirements set forth in the Master Agreement, and as detailed in Exhibit "A" thereto.

3.2 Compensation.

The maximum compensation for Services performed under this First Amendment shall not exceed Three thousand five hundred dollars ($3,500) without written approval of WRCOG's Executive Director.

The total not-to-exceed-value of the Master Agreement, as amended by this First Amendment, shall not exceed One hundred forty-three thousand two hundred dollars ($143,200).

3.3 Continuation of Existing Provisions.

Except as amended by this First Amendment, all provisions of the Master Agreement, including without limitation the indemnity and insurance provisions, shall remain in full force and effect and shall govern the actions of the Parties under this First Amendment.

3.4 Counterparts.

This First Amendment may be executed in duplicate originals, each of which is deemed to be an original, but when taken together shall constitute one instrument.

3.5 Electronic Delivery of Amendment; Electronic Signatures.

A manually signed copy of this First Amendment which is transmitted by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this First Amendment for all purposes. This First Amendment may be signed using an electronic signature.

[Signatures on the following page]

SIGNATURE PAGE TO

FIRST AMENDMENT TO
AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN
WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS
AND
AECOM TECHNICAL SERVICES INC.

IN WITNESS WHEREOF, the Parties hereto have made and executed this First Amendment as of the date first written above.

WRCOG

WESTERN RIVERSIDE COUNCIL
OF GOVERNMENTS

By: ________________________
Kurt Wilson
Executive Director

CONSULTANT

AECOM TECHNICAL SERVICES, INC.

By: ________________________
Name: Charlene Dekker
Title: Vice President

Approved to Form:

By: ________________________
Haviva Shane for Steven C. DeBaun
General Counsel

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Item 6.A

Western Riverside Council of Governments
WRCOG Executive Committee

Staff Report

Subject: **Environmental Department Activities Update**

Contact: **Olivia Sanchez, Program Manager, osanchez@wrcog.us, (951) 405-6721**

Date: **October 3, 2022**

Requested Action(s):

1. Receive and file.

Purpose:

The purpose of this item is to provide program activity updates from the three programs housed in the Environmental Department (Solid Waste and Recycling, Used Oil Recycling / HHW and Love Your Neighborhood Programs).

WRCOG 2022-2027 Strategic Plan Goal:

Goal #4 - Communicate proactively about the role and activities of the Council of Governments.

Background:

WRCOG"s Environmental Department assists WRCOG member agencies with addressing state mandates requiring education and outreach programs to reduce greenhouse gas (GHG) emissions. The Environmental Department houses three programs to meet California's goals: 1) the Solid Waste and Recycling Program, which assists in developing strategies to reduce short-lived climate pollutants; 2) a regional Used Oil Recycling Program, designed to promote the proper recycling and disposal of used motor oil and filters; and 3) the Love Your Neighborhood region-wide initiative, which supports marketing and awareness on illegal disposal and littering by using online platforms and community events.

Solid Waste and Recycling

The waste diversion goals set by California under legislation (AB 939, AB 341, AB 1826, AB 827, and SB 1383,) require local jurisdictions to implement techniques that promote resident and business recycling and organic recycling. To regionally address these measures, WRCOG formed the Solid Waste Committee (SWC), comprised of participating WRCOG member jurisdictions.

Solid Waste Committee: On August 17, 2022, the SWC received a legislative update on signed assembly and senate bills that effect solid waste, packaging, California beverage container refund value programs, hazardous waste, polyfluorinated alkyl substances, and energy conservation. There were 4,442 bills introduced into the Legislature; 135 are making their way through the Assembly and Senate. Bills to watch include solid waste grants and local jurisdiction assistance. The SWC also received a presentation from MSW Consultants on the Organic Capacity Planning project; several WRCOG member cities utilized the services of the consultant to determine the amount of available capacity for organics and edible food recovery. MSW determined that overall, Riverside County needed 66,314 tons of organics capacity and 21,211 tons of edible food capacity. MSW will work with those cities that had a shortfall to submit the required implementation plan to CalRecycle within 120 days of receiving notification from the County.

Used Oil & Household Hazardous Wastes

Virtual Used Oil Exchange Events: WRCOG has continued to engage the public on used motor oil recycling, with safety and health in mind, through virtual exchanges. Digital campaigns are utilized to educate the public on where to properly recycle their used oil and exchange used oil filters for up to two free new filters per participant. Members of the public participate via Facebook by clicking an advertisement that opens an online survey to complete; participants receive a voucher upon completion. The voucher provides the date, time, and instructions for participation, and must be presented at the participating auto store to complete the filter exchange. Exchanges are available on scheduled Saturdays and Sundays during available store hours to minimize pedestrian traffic and lines. Staff corresponds with each auto parts store before the event to confirm safety measures and procedures are in place.

Staff conducted regular Certified Collection Center (CCC) survey visits, which concluded that some CCCs were turning people away due to full used oil tanks. WRCOG staff utilized funds through the CalRecycle Household Hazardous Waste grant to procure used oil tanks to expand capacity for ten stores in the region. These included the Cities of Banning, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Perris, and Riverside. The addition of these used oil tanks doubled the capacity form a total of 1,850 gallons to 3,700 gallons at these participating stores.

The following is a list of completed virtual Used Oil and Filter Exchange Events from July 1, 2022, to present.

Date	City	Store	Participants	Filters
7/9/2022	Perris	AutoZone, 401 E 4th St.	180	39
7/16/2022	Riverside	AutoZone, 1947 University Ave.	157	124
7/30/2022	Lake Elsinore	AutoZone, 30870 Riverside Dr.	91	30
8/20/2022	Temecula	AutoZone, 31837 S Hwy 79 #A	111	114
8/27/2022	Banning	AutoZone, 3453A W Ramsey St.	TBD	38
9/10/2022	Jurupa Valley	O'Reilly's, 8702 Limonite Ct.	TBD	TBD
9/24/2022	Murrieta	O'Reilly's, 40951 California Oaks Rd.	TBD	TBD

The following is a list of future Used Oil and Filter Exchange Events for the calendar year:

Date	City	Store
10/1/2022	Norco	O'Reilly's, 1050 Hamner Ave.
10/22/2022	San Jacinto	O'Reilly's, 1350 S. San Jacinto Ave.
11/5/2022	Hemet	AutoZone, 3100 E Florida Ave.
11/12/2022	Eastvale	AutoZone, 14288 Schleisman

11/19/2022	Riverside	AutoZone, 1947 University Ave.
11/26/2022	Banning	AutoZone, 3453A Ramsey St.
12/3/2022	Calimesa	AutoZone, 1095 Calimesa Blvd.

Love Your Neighborhood

The Love Your Neighborhood initiative was brought to WRCOG as a collaborative effort from the Riverside County Flood Control & Water Conservation District. The initiative supports marketing and awareness on illegal disposal and littering, using online platforms. Program goals include quantifiable results tracking litter removal, increased pollution prevention, meeting objectives with the MS4 Permits, and complying with California mandates related to solid waste, recycling, and household hazardous waste, which aligns with WRCOG's Energy and Environmental Programs. The Love Your Neighborhood website is still in draft phase and the contract was extended until December 31, 2022.

Prior Action(s):
September 15, 2022: The Technical Advisory Committee received and filed.

Fiscal Impact:
Activities related to these programs are included in the adopted Fiscal Year 2022/2023 Budget under Fund 110 and Fund 140 as part of the Energy & Environment Department under the Solid Waste and Recycling Program.

Attachment(s):
None.

Western Riverside Council of Governments
WRCOG Executive Committee

Staff Report

Subject: **4th Quarter Draft Budget Amendment for Fiscal Year 2021/2022**

Contact: **Andrew Ruiz, Chief Financial Officer, aruiz@wrcog.us, (951) 405-6740**

Date: **October 3, 2022**

Requested Action(s):

1. Approve the 4th Quarter draft Budget Amendment for Fiscal Year 2021/2022.

Purpose:
The purpose of this item is to request approval of WRCOG's 4th Quarter draft Budget Amendment for Fiscal Year (FY) 2021/2022.

WRCOG 2022-2027 Strategic Plan Goal:
Goal #3 - Ensure fiscal solvency and stability of the Western Riverside Council of Governments.

Background:

The budget amendment process provides an opportunity to capture variances between the amount of revenues and expenditures that are estimated prior to the start of the fiscal year and the amount of revenues actually received by the end of the accrual period. The additional revenues for the 4th Quarter of FY 2021/2022 are due, in part, to several minor changes explained in detail below but are dominated by the extraordinary TUMF collections for the 2021/2022 Fiscal Year. While the minutia of budget adjustments is not usually noteworthy, the TUMF Program had an exceptional year with the third highest collection rate in the Program's history ($29M above the projection). This is the result of substantial growth throughout the subregion and is reflected in a substantial increase in revenues compared to what was initially predicted.

The budget document is a prospective spending plan that predicts, constrains, and authorizes spending and collections for the upcoming year. Each budget category is comprised of component parts or subcategories known as line items. Changes in those subcategories or line items often materialize throughout the year and those adjustments are reflected in a budget amendment. In this case, changes are reflected in several individual programs that include offsetting line items (i.e., reduced expenditures in one line item offset by increased expenditures in another line item within the same program). For this budget amendment, in all cases, the increases in expenditure line items are offset by increased revenue, a reduction in other expense categories, or both. The net change for the budget amendments listed below is a net revenue increase of $29M.

For the FY 2021/2022 4th Quarter budget amendment in the Administration Program, expenses exceeded their initially budgeted amount by approximately $92,000, primarily in consulting labor ($61,000) and legal ($12,000). The additional consulting costs were due to fiscal and administrative / personnel matters that required input from various consulting firms. These additional expenditures are being offset by a decrease in other budgeted line items with available budget, making the Program whole.

In the Fellowship Program, expenses exceeded their initially budgeted amount by approximately $9,000, primarily in labor ($9,000). There were additional Fellows added to the Program from what was originally budgeted. These additional expenditures will be offset by the additional revenue received for the additional Fellows and a decrease in other budgeted line items with available budget, making the Program whole.

In the TUMF Program, expenses exceeded their initially budgeted amount by approximately $56,000, primarily in legal ($55,000). The additional legal costs were due to numerous Public Records Act requests – approximately 12. Additionally, revenues exceeded their budgeted amount by approximately $29M. There was significantly more activity than originally anticipated for the Program. The increased expenditures are being offset by a decrease in other budgeted line items with available budget. There will be a net increase in revenue of $29M to the Program.

In the Local Transportation Fund (LTF) Program, expenses exceeded their initial budgeted amount by approximately $7,000, primarily in Seminars ($3,000) and travel-related expenses. When the Program's budget was originally drafted, some categories were held below historic levels based on COVID-19 impacts as they were understood at the time. Additionally, revenues exceeded their budgeted amount by approximately $116,000. These additional expenditures are being offset by a decrease in other budgeted line items with available budget. There will be a net increase in revenue of $116,000 to the Program.

In the Streetlights Program, expenses exceeded their initially budgeted amount by $3,000, primarily in subscriptions ($1,500). A subscription to ERSI was purchased due to the GIS-related work done in the Streetlight Program. These additional expenditures are being offset by a decrease in other budgeted line items with available budget.

In the Inland Regional Energy Network (I-REN) Program, expenses exceeded their budgeted amount by approximately $23,000, primarily due to legal expenses ($20,000). As there are several agreements being written for I-REN between its partners and administrator, there were more legal costs than originally anticipated. Additionally, while the I-REN has launched, the Program has not incurred as much in revenues and expenses as originally anticipated, so a reduction in budgeted revenue and expenditures of approximately $4.2M is being reflected for the current period. This does not change the total amounts of revenues and corresponding expenditures that have been authorized by the California Public Utilities Commission but it does change the pace at which those revenues and expenditures occur. These funds will be programmed into a later period, as the I-REN has a six-year period to expend funds.

In the California First PACE Program, expenses exceeded their initially budgeted amount by $540. The Program also had revenues exceed their budgeted amount by $1,305. There was originally no budgeted revenues or expenditures anticipate for the Program; however, there was minor activity. The revenues will offset the expenditures.

In the PACE Funding PACE Program, the level of revenues and expenditures are dependent on the size and number of completed transactions within the fiscal period. There is no way to accurately estimate the value of those transactions at the time the budget is prepared. As a result, the Program is set up to make adjustments for revenues and expenditures as transactions are completed. For this period, expenses exceeded their initially budgeted amount by approximately $7,000. The Program also had revenues exceed their budgeted amount by approximately $20,000. There were originally no budgeted revenues or expenditures anticipated for the Program; however, there was minor activity. The additional revenues will offset the expenditures.

In the Greenworks Commercial PACE Program, expenses exceeded their initially budgeted amount by approximately $26,000 in consulting labor. There was additional activity in the Program from what was originally anticipated. Additionally, revenues exceeded their budgeted amount by approximately $134,000 due to additional commercial projects being completed from what was originally anticipated. These additional expenditures will be offset by the additional revenue received and a decrease in other budgeted line items with available budget.

In the Clean Fund Commercial PACE Program, expenses exceeded their initially budgeted amount by approximately $8,000. Additionally, revenues exceeded their budgeted amount by approximately $87,000. There was originally no budgeted revenues or expenditures anticipated for the Program; however, there was one commercial project that was completed for Clean Fund.

In the California Resiliency Challenge (CRC) Program, expenses exceeded their initially budgeted amount by $880, primarily due to travel-related expenses due to an event that was held related to the Program. These additional expenditures are being offset by a decrease in other budgeted line items with available budget.

In the HERO Program, expenses exceeded their initially budgeted amount by approximately $60,000, primarily due to additional bank fees ($37,000), recording fees ($10,000) and software ($10,000). The additional bank fees are due to a lockbox used by the Program for prepayments / payoffs that saw a substantial increase in bank fees. Recording fees saw an increase due to increased recording as the Program records every time a payoff occurs in its respective county. Software increased due to the need for a software solution to support the Program's call center. These additional expenditures are being offset by a decrease in other budgeted line items with available budget.

In the Clean Cities Program, expenses exceeded their initially budgeted amount by approximately $34,000, primarily due to additional consulting costs ($33,000). Additionally, revenues exceeded their budgeted amount by approximately $13,000. The increased consulting time was due to additional support needed to carry out the Program's activities as one of the Program's staff moved to another position. The increased expenditures are being offset by a decrease in other budgeted line items with available budget as well as the additional revenues.

In the Solid Waste Program, expenses exceeded their initially budgeted amount by approximately $9,000, primarily due to additional consulting costs ($9,000). Additionally, revenues exceeded their budgeted amount by approximately $45,000. The increased revenues are primarily due to an additional grant received called Love Your Neighborhood. These additional expenditures are being offset by a decrease in other budgeted line items with available budget.

In the Household Hazardous Waste Program, expenses exceeded their initially budgeted amount by $1,632, primarily due to additional supplies purchased for the Program ($1,600). Additionally, revenues exceeded their budgeted amount by $20,000. The increased expenditures are being offset by a decrease in other budgeted line items with available budget as well as the additional revenues.

In the Used Oil Program, expenses exceeded their initially budgeted amount by approximately $69,000, primarily due to event support ($68,000). The Program shifted its budget from advertising and other line items to purchase additional materials and items related to supporting the Used Oil events. These additional expenditures are being offset by a decrease in other budgeted line items with available budget. The primary cause for the overage of budget was due to a difference in accounting codes between event support and advertising.

Budget Estimates

Each WRCOG member agency participates in a similar budgeting process wherein revenues and expenditures are estimated prior to the start of the fiscal year and adjustments are made as needed to reflect variances. For most agencies, there is a minimal nexus between the revenue source and expenditure of those funds. For example, a city or county may receive General Fund revenues from a property or sales tax based on an existing formula. Those funds may then be spent on public safety or roads, for example, even though there is little direct connection between the source and expenditure. WRCOG funds are primarily the result of restricted funds whose spending requires a strong nexus between the source and expenditure.

Unlike local cities and counties whose largest general fund revenue sources typically come from sales and property tax, like most of WRCOG's member agencies (with the exception of the Water Districts and County Schools who have dedicated revenue sources based on fees or state formulas), most WRCOG funds come from program-specific sources. One notable exception is member dues that represent approximately $300K of a $57.5M WRCOG budget. Historically, the largest WRCOG funding sources have been the HERO (PACE) Program and the TUMF Program. Similar to the limitations placed on member agencies to only spend Enterprise Fund revenues on items directly related to that particular source, the vast majority of WRCOG funds are limited in a similar manner. This results in a more restrictive spending environment for most WRCOG funds.

The difference in major funding sources goes beyond having more restrictive spending options. It also complicates the process of predicting the amount and timing of WRCOG revenues. The property and sales taxes that drive most member agency revenues, for example, are reasonably static and often follow trends that are identifiable and predictable. They are often estimated with the help of a consultant who specializes in estimating sales and property taxes throughout the state. As changes occur, there are generally only 2 - 4 times per year where those changes happen so agencies have a known schedule to make any adjustments. Those adjustments typically require 2 - 4 weeks for final action by the governing body during those 2 - 4 times per year.

Neither HERO nor TUMF revenues are collected on a statewide basis so we are unable to realize the economy of scale benefits of having consultants who specialize in this area. With less data points to analyze, these sources have proven to be difficult to estimate. The timing of these revenues is also less predictable. Instead of receiving cumulative lump sums 2 - 4 times per year, these revenues can be received any working day throughout the fiscal year. This results in less accurate trend data. For example, collecting a high level of TUMF revenues in July and August is not an accurate predictor of a high revenue year because the later months are not guaranteed to see similar trends.

When variances between actual and budgeted revenues or expenditures are identified, the WRCOG process for gaining governing body approval takes significantly longer than most member agencies. The sequential considerations by multiple committees (Finance Directors Committee, Technical Advisory Committee, Administration & Finance Committee, and Executive Committee) is unique to WRCOG and, since each of these committees meets only once per month (less than that in the case of the Finance Directors Committee), it generally takes between 1/4 and 1/3 of the fiscal year to process such an amendment. In the event of an unusually substantive amendment, it is the General Assembly, rather than the Executive Committee, in which that authority is vested.

Historically, to address this issue, the accepted practice at WRCOG has been to bring forth most adjustments as part of the 4th Quarter budget amendment. This process has not raised concerns for members, staff, or auditors, and has reflected one of the differences between the practical realities of WRCOG compared to most member agencies. Despite a well-documented history of this accepted practice, the transparency and documentation changes on which we have focused over the last year as part of our goal to improve fiscal practices, resulted in formal documentation of this process. While there have been no changes to the process, the documentation and transparency have highlighted the existing process and may appear new for some members.

Summary

Overall for Q4 of FY 2021/2022, no Program will see a net increase in budgeted expenditures and there will be a net increase in budgeted revenues of approximately $29M. This is primarily due to the TUMF Program as there was significantly more development activity than originally anticipated. Previously, all amendments were brought forward for approval through WRCOG's committees, but for the FY 2022/2023 budget, the Budget Resolution now gives the Executive Director the authority to approve budget amendments as long as they are of a technical nature and are consistent with the intent of the Executive Committee. These amendments will be disclosed to WRCOG's committees as a part of a mid-year budget update.

Prior Action(s):

September 15, 2022: The Technical Advisory Committee recommended that the Executive Committee approve the 4th Quarter Budget Amendment for Fiscal Year 2021/2022.

September 14, 2022: The Administration & Finance Committee recommended that the Executive Committee approve the 4th Quarter Budget Amendment for Fiscal Year 2021/2022.

August 25, 2022: The Finance Directors Committee recommended that the Executive Committee approve the 4th Quarter Budget Amendment for Fiscal Year 2021/2022.

Fiscal Impact:

For the 4th Quarter of FY 2021/2022, there will be no net increase in expenditures and a net increase of $29,247,025 in revenues.

Attachment(s):

Western Riverside Council of Governments
Q4 Budget Amendment
For the Year Ending June 30, 2022

Description	Actual	Budget	Variance	Amendment
Administration				
Legal	$162,497	$150,000	($12,497)	($12,497)
Commissioners Per Diem	$56,150	$55,000	($1,150)	($1,150)
Parking Cost	$24,377	$20,000	($4,377)	($4,377)
Program/Office Supplies	$18,704	$12,000	($6,704)	($6,704)
Other Household Expenses	$1,799	$1,500	($299)	($299)
Seminars/Conferences	$3,263	$3,000	($263)	($263)
Travel - Mileage Reimbursement	$2,127	$1,000	($1,127)	($1,127)
Travel - Ground Transportation	$816	$500	($316)	($316)
Travel - Airfare	$1,992	$500	($1,492)	($1,492)
Lodging	$860	$500	($360)	($360)
Training	$6,955	$5,000	($1,955)	($1,955)
Consulting Labor	$261,512	$200,000	($61,512)	($61,512)
Parking Validations	$4,034	$10,000	$5,966	$5,966
Event Support	$25,792	$45,000	$19,208	$19,208
Rent/Lease Equipment	$9,693	$15,000	$5,307	$3,093
Membership Dues	$11,174	$30,000	$18,826	$18,826
Computer Hardware	$5,402	$15,000	$9,598	$9,598
Communications - Computer Services	$31,733	$50,000	$18,267	$18,267
Communications - Web Site	$1,322	$8,000	$6,678	$6,678
Equipment Maintenance - General	$5,083	$8,000	$2,917	$2,917
Staff Education Reimbursement	$0	$7,500	$7,500	$7,500
			Net Increase	**$0**

Western Riverside Council of Governments
Q4 Budget Amendment
For the Year Ending June 30, 2022

Description	Actual	Budget	Variance	Amendment
Fellowship				
Salaries	$189,164	$180,049	($9,115)	($9,115)
Legal	$541	$100	($441)	($441)
Training	$35	$0	($35)	($35)
Fellowship Revenue	$104,515	$100,000	($4,515)	$4,515
Parking Validations	$0	$1,000	$1,000	$1,000
Event Support	$0	$1,000	$1,000	$1,000
General Supplies	$124	$500	$376	$376
Meeting Support Services	$0	$250	$250	$250
Postage	$0	$100	$100	$100
Seminars/Conferences	$10	$150	$140	$140
Travel - Mileage Reimbursement	$322	$1,500	$1,178	$1,178
Travel - Ground Transportation	$0	$150	$150	$150
Meals	$0	$350	$350	$350
Consulting Labor	$0	$532	$532	$532
			Net Increase	**$0**

Western Riverside Council of Governments
Q4 Budget Amendment
For the Year Ending June 30, 2022

Description	Actual	Budget	Variance	Amendment
TUMF				
TUMF Commercial	$919,105	$4,800,000	$3,880,895	($3,880,895)
TUMF Retail	$4,390,472	$4,800,000	$409,528	($409,528)
TUMF Industrial	$12,705,240	$7,680,000	($5,025,240)	$5,025,240
TUMF Single Family	$49,646,385	$19,200,000	($30,446,385)	$30,446,385
TUMF Multi Family	$6,218,406	$9,600,000	$3,381,594	($3,381,594)
			Net Revenue Increase	**$27,799,607**
TUMF Admin				
TUMF Commerical - Admin Fee	$38,296	$200,000	$161,704	($161,704)
TUMF Retail - Admin Fee	$182,936	$200,000	$17,064	($17,064)
TUMF Industrial - Admin Fee	$529,385	$320,000	($209,385)	$209,385
TUMF Single Family - Admin Fee	$2,068,599	$800,000	($1,268,599)	$1,268,599
TUMF Multi-Family - Admin	$259,100	$400,000	$140,900	($140,900)
General Legal Services	$105,847	$50,000	($55,847)	($55,847)
Subscriptions/Publications	$2,338	$1,500	($838)	($838)
Communications - Cellular Phones	$3,020	$3,000	($20)	($20)
Consulting Labor	$311,316	$459,279	$147,963	$56,705
			Net Revenue Increase	**$1,158,317**

Western Riverside Council of Governments
Q4 Budget Amendment
For the Year Ending June 30, 2022

Description	Actual	Budget	Variance	Amendment
Local Transportation Fund				
LTF Revenue	$866,250	$750,000	($116,250)	$116,250
Membership Dues	$2,234	$0	($2,234)	($2,234)
Seminars/Conferences	$4,124	$1,000	($3,124)	($3,124)
Travel - Airfare	$336	$0	($336)	($336)
Lodging	$2,167	$750	($1,417)	($1,417)
Consulting Labor	$199,958	$283,598	$83,640	$7,111
			Net Revenue Increase	**$116,250**

Western Riverside Council of Governments
Q4 Budget Amendment
For the Year Ending June 30, 2022

Description	Actual	Budget	Variance	Amendment
Streetlights				
Staff Recognition	$50	$0	($50)	($50)
Event Support	$0	$2,000	$2,000	$1,959
Program/Office Supplies	$0	$500	$500	$500
Subscriptions/Publications	$1,556	$0	($1,556)	($1,556)
Meeting&Support	$0	$1,000	$1,000	$1,000
Communications - Cellular Phones	$405	$0	($405)	($405)
Lodging	$205	$0	($205)	($205)
Training	$375	$0	($375)	($375)
Consulting Labor	$71,762	$70,894	($868)	($868)
			Net Increase	**$0**

Western Riverside Council of Governments
Q4 Budget Amendment
For the Year Ending June 30, 2022

Description	Actual	Budget	Variance	Amendment
Regional Energy Network				
Regional Energy Network Revenue	$769,092	$5,051,019	$4,281,927	($4,281,927)
Salaries & Wages - Fulltime	$155,375	$236,499	$81,124	$83,638
Fringe Benefits	$48,947	$79,346	$30,399	$33,075
Overhead Allocation	$161,118	$424,860	$263,742	$263,742
General Legal Services	$22,379	$2,500	($19,879)	($19,879)
Communications - Cellular Phones	$455	$0	($455)	($455)
Seminars/Conferences	$110	$0	($110)	($110)
Supplies/Materials	$0	$300,128	$300,128	$300,128
Direct Costs	$0	$750,000	$750,000	$750,000
Consulting Labor	$17,948	$2,636,265	$2,618,317	$2,514,278
Membership Dues	$2,625	$0	($2,625)	($2,625)
Staffing Reimbursement	$360,135	$720,270	$360,135	$360,135
			Net Increase	**$0**

Western Riverside Council of Governments
Q4 Budget Amendment
For the Year Ending June 30, 2022

Description	Actual	Budget	Variance	Amendment
California First				
CA First Residential Revenue	$833	$0	($833)	$833
CA First Res Recording Rev	$472	$0	($472)	$472
PACE Residential Recording	$335	$0	($335)	($335)
Consulting Labor	$195	$0	($195)	($195)
			Net Revenue Increase	**$775**
PACE Funding				
PACE Recording Revenue	$20,864	$0	($20,864)	$20,864
Recording Fee-PACE	$6,456	$0	($6,456)	($6,456)
Consulting Labor-PACE	$665	$0	($665)	($665)
			Net Revenue Increase	**$13,744**
Greenworks				
Commercial PACE HERO Revenue	$334,077	$200,000	($134,077)	$134,077
Consulting Labor	$51,600	$25,000	($26,600)	($26,600)
Salaries & Wages -Greenworks Lending	$38,912	$58,661	$19,749	$19,749
Fringe Benefits	$11,434	$15,715	$4,281	$4,281
Recording Fee	$289	$5,000	$4,711	$2,570
			Net Revenue Increase	**$134,077**
Twain				
PACE Commercial Sponsor Revenue	$0	$200,000	$200,000	($200,000)
Salaries	$23,803	$58,661	$34,858	$34,858
Benefits	$6,999	$15,715	$8,716	$8,716
General Legal Services	$4,845	$8,000	$3,155	$3,155
Recording Fee	$0	$5,000	$5,000	$5,000
Consulting Labor	$1,300	$21,509	$20,209	$20,209
			Net Revenue Decrease	**($128,062)**
Clean Fund				
PACE Commercial Sponsor Revenue	$87,224	$0	($87,224)	$87,224
General Legal Services	$3,395	$0	($3,395)	($3,395)
Consulting Labor	$5,500	$0	($5,500)	($5,500)
			Net Revenue Increase	**$78,329**

Western Riverside Council of Governments
Q4 Budget Amendment
For the Year Ending June 30, 2022

Description	Actual	Budget	Variance	Amendment
California Resiliency Challenge				
Travel - Airfare	$408	$0	($408)	($408)
Lodging	$279	$0	($279)	($279)
Travel - Ground Transportation	$193	$0	($193)	($193)
Consulting Labor	$68,504	$100,000	$31,496	$880
			Net Increase	**$0**

Western Riverside Council of Governments
Q4 Budget Amendment
For the Year Ending June 30, 2022

Description	Actual	Budget	Variance	Amendment
HERO				
Bank Fee	$52,381	$15,000	($37,381)	($37,381)
Computer Software	$11,832	$2,000	($9,832)	($9,832)
Subscriptions/Publications	$679	$500	($179)	($179)
Cellular Phone	$1,964	$1,000	($964)	($964)
Recording Fee	$10,295	$0	($10,295)	($10,295)
Seminar/Conferences	$0	$2,500	$2,500	$2,500
Travel - Airfare	$0	$2,500	$2,500	$2,500
Lodging	$0	$1,500	$1,500	$1,500
Statewide Other Incidentals	$0	$2,000	$2,000	$2,000
Training	$3,120	$2,000	($1,120)	($1,120)
Supplies/Materials	$0	$1,500	$1,500	$1,500
CA HERO Direct Exp	$93,066	$145,266	$52,200	$49,770
			Net Increase	**$0**

Western Riverside Council of Governments
Q4 Budget Amendment
For the Year Ending June 30, 2022

Description	Actual	Budget	Variance	Amendment
Clean Cities				
Clean Cities Revenues	$253,765	$240,000	($13,765)	$13,765
Salaries	$66,783	$92,634	$25,851	$9,830
Benefits	$20,078	$30,222	$10,144	$10,144
Parking Validations	$47	$500	$453	$453
Event Support	$0	$5,000	$5,000	$5,000
Program/Office Supplies	$0	$500	$500	$500
Meeting Support Services	$0	$500	$500	$500
Postage	$0	$500	$500	$500
Travel - Mileage Reimbursement	$38	$500	$462	$462
Travel - Ground Transportation	$0	$100	$100	$100
Lodging	$925	$0	($925)	($925)
Meals	$0	$500	$500	$500
Other Incidentals	$0	$500	$500	$500
Supplies/Materials	$0	$1,500	$1,500	$1,500
Consulting Labor	$80,782	$47,044	($33,738)	($33,738)
			Net Revenue Increase	**$9,090**

Description	Actual	Budget	Variance	Amendment
Solid Waste				
Solid Waste Revenue	$123,157	$112,970	($10,187)	$10,187
Love Your Neighborhood Revenue	$35,000	$0	($35,000)	$35,000
Legal	$2,974	$2,500	($474)	($474)
Event Support	$2,852	$15,000	$12,148	$9,494
Consulting	$34,387	$25,367	($9,020)	($9,020)
			Net Revenue Increase	**$45,187**

Western Riverside Council of Governments
Q4 Budget Amendment
For the Year Ending June 30, 2022

Description	Actual	Budget	Variance	Amendment
HHW Grant				
Household Hazardous Waste Revenue	$60,000	$40,000	($20,000)	$20,000
Salaries	$8,342	$8,852	$510	$510
Benefits	$2,525	$3,358	$833	$833
Travel - Mileage Reimbursement	$18	$0	($18)	($18)
Supplies/Materials	$29,405	$27,790	($1,615)	($1,615)
			Net Revenue Increase	**$19,711**

Western Riverside Council of Governments
Q4 Budget Amendment
For the Year Ending June 30, 2022

Description	Actual	Budget	Variance	Amendment
Used Oil				
Salaries	$47,452	$65,433	$17,981	$17,981
Benefits	$14,376	$19,677	$5,301	$5,301
Overhead Allocation	$15,122	$16,802	$1,680	$1,680
General Legal Services	$0	$500	$500	$500
Parking Validations	$0	$250	$250	$250
Event Support	$83,780	$15,000	($68,780)	($68,780)
Program/Office Supplies	$0	$500	$500	$500
Membership Dues	$0	$500	$500	$500
Meeting Support Services	$0	$1,000	$1,000	$1,000
Storage	$3,164	$3,500	$336	$336
Printing Services	$0	$1,000	$1,000	$1,000
Communications - Cellular Phones	$279	$0	($279)	($279)
Insurance	$0	$1,000	$1,000	$1,000
Seminars/Conferences	$0	$500	$500	$500
Travel - Mileage Reimbursement	$43	$500	$457	$457
Travel - Ground Transportation	$0	$250	$250	$250
Meals	$0	$500	$500	$500
Supplies/Materials	$0	$1,000	$1,000	$1,000
Advertising	$0	$40,110	$40,110	$36,305
			Net Increase	**$0**

Item 6.C

Western Riverside Council of Governments
WRCOG Executive Committee

Staff Report

Subject: **PACE Programs: Adoption of Unclaimed Refund Policy and Procedure**

Contact: **Casey Dailey, Director of Energy & Environmental Programs, cdailey@wrcog.us, (951) 405-6720**

Date: **October 3, 2022**

Requested Action(s):

1. Affirm the recommendation from the Administration & Finance Committee to permit funds from unclaimed PACE refunds to revert to the State of California where valid claims can be honored in perpetuity.

Purpose:

The purpose of this item is to provide an opportunity for the Executive Committee to allow funds to revert to the State of California rather than WRCOG take possession of the funds.

WRCOG 2022-2027 Strategic Plan Goal:

Goal #5 - Develop projects and programs that improve infrastructure and sustainable development in our subregion.

Background:

WRCOG's PACE Programs provide financing to property owners to implement energy saving, renewable energy, water conservation, and seismic strengthening improvements. Improvements installed utilizing PACE financing are secured by placing a lien on the underlying property and are paid back through a line item charge on the secured property tax bill. The Program was initiated in December 2011 and was expanded in 2014 to allow jurisdictions throughout the state to join and allow property owners in these jurisdictions to participate.

Unclaimed Refunds

In 2012, WRCOG began issuing bonds to finance residential PACE home improvements. PACE assessments are paid as a secured assessment line item on the property tax bill, which is paid twice a year. When a property owner makes a prepayment or pays off the assessment prior to paying their property tax bill, and if the county in which the assessment was levied cannot make a correction to remove or adjust the PACE amount, it results in an over payment of the PACE assessment. When this occurs, the property owners are owed a refund for the difference. The refunds are issued by WRCOG after the counties disburse the funds collected through the property tax payments. A majority of refunds are processed in February after the first property tax installment is paid and then again in June after the second property tax installment is paid.

Refund process:

1. WRCOG receives the refund list for the property owners that overpaid their PACE assessment on their property tax bill.
2. WRCOG processes the refunds.
3. WRCOG mails out the refunds to each property owner on the list.
    a. In some instances, before a check is returned to WRCOG as undeliverable, a Post Office may attempt to deliver the check more than once if the address is not clear, if there is no forwarding address, or if the property owner requests to have the check held.
    b. In cases where the property owners notify WRCOG that their refund was not received (lost mail, not delivered, stolen, etc.), WRCOG will re-issue the refund and mail it back out. Sometimes, the property owners opt to pick up the check at WRCOG's office.
    c. If the refund check was not received after the second time it was mailed out, WRCOG will re-issue the check and send it via certified mail.

After attempting to deliver the refund checks multiple times, some refunds are returned to WRCOG or remain unclaimed, where they reside in a WRCOG pass-through account. In 2020, staff began working with Bond Counsel to identify what to do with these funds or if they could be moved elsewhere. At that time, it was identified by WRCOG's Bond Counsel that:

"Any individual item of less than fifteen dollars ($15), which is unclaimed for a period of one (1) year, may be transferred to WRCOG's PACE Reserve Account in accordance with California Government Code Section 50055. Items fifteen dollars ($15) and over, unclaimed for more than three (3) years, will be processed in accordance with California Government Code Sections 50050-500256 and may become the property of WRCOG at anytime after the three-year period."

In 2020, there were no unclaimed refunds that met the three-year requirement. Since there was nothing that could be done with the funds, the funds were left in the pass-through account to keep separate from Agency funds. However, by June 2022, staff identified that 175 refunds have been unclaimed for over three years. All current unclaimed refunds are from residential assessments. The total amount of these refunds is $238,889.93. By December 2022, it is estimated that there will be 290 unclaimed refunds, totaling an estimated amount of $398,119.

WRCOG's Bond Counsel identified that WRCOG has two options at the time a refund goes unclaimed for three years:

1. WRCOG can develop an Unclaimed Refund Check Policy and Procedure in order to claim the aged refunds; or
2. WRCOG would remit all unclaimed funds to the state in which then the state will exercise its right to take ownership of the unclaimed assets.

In accordance with State law, the Policy (Attachment 1, page 10) requires that notice must be given as follows:

1. Annually, for all refunds that have been deemed as unclaimed for three years or more, WRCOG must publish a notice of the unclaimed refund checks in a newspaper of general circulation;
2. The notice must be published once a week for two consecutive weeks;

3. The notice must state the amount of money that is unclaimed;
4. The notice must state where the money is being held;
5. A statement announcing that the money will become property of WRCOG after 45 days of the first publication; and
6. There must be a contact number and/or website where to submit the inquiry or claim.

If a property owner wants to claim the funds, they must file a claim with WRCOG. The property owner must include their name, phone number, address, proof of identity, amount of the claim, the grounds on which the claim is founded, and any other information required by WRCOG. The claim must be made before the date the unclaimed refund check funds become property of WRCOG. After the claim has been received by WRCOG, it will be up to WRCOG to determine if the claim is accepted or rejected. If the claim is accepted, WRCOG will issue a new refund check and send it to the claimant. If the claim is rejected, the claimant can file in court to serve WRCOG with a verified complaint. This must be done within 30 days from the date the rejection notice was received.

If there are no claims received, the unclaimed refund money becomes property of WRCOG. The Executive Committee would be required to adopt a resolution to formally transfer the unclaimed funds to the General Fund. The resolution will include a list of all the property owners or entities having unclaimed refund checks.

Staff Follow-up Responses to July 13, 2022, Administration & Finance Committee Questions

On July 13, 2022, this item was presented to the Administration & Finance (A&F) Committee and a number of questions were raised prior to the Committee taking action. These questions included:

Question: How many unclaimed refunds are there per jurisdiction?
Response: Please see table below for the WRCOG subregion. Additionally, Attachment 1 provides additional information regarding three-year aged, and older, unclaimed refund by county.

City	Number of Refunds	Refund Amount
Banning	2	$2,371.76
Beaumont	5	$6,387.37
Calimesa	1	$2,089.14
Canyon Lake	3	$3,714.20
Corona	7	$9,743.90
Eastvale	0	$0.00
Hemet	4	$7,304.04
Jurupa Valley	1	$760.66
Lake Elsinore	4	$3,846.22
Menifee	2	$1,327.26
Moreno Valley	19	$19,919.91
Murrieta	7	$8,707.33
Norco	3	$5,523.80
Perris	1	$1,471.43
Riverside	16	$20,606.19
San Jacinto	6	$6,644.21
Temecula	11	$9,603.55

Wildomar	6	$7,124.21
Unincorporated	21	$24,604.52
Grand Total	**119**	**$141,749.70**

Question: How often are refunds mailed out?
Response: WRCOG receives, processes, and distributes refunds on a monthly basis.

Question: If WRCOG sent all PACE unclaimed refunds to the State, what does the State do with any unclaimed refunds?
Response: Within one year after the State has received the escheated property, the State Controller is required to publish a notice of the property in order for the owners to possibly claim the property. In accordance to Section 1501 of the Civil Procedure, property received by the State under the Unclaimed Property Law will not permanently escheat to the State. It is the intent of the California Legislature that property owners be reunited with their property.

At the end of each month, if the Controller deems it advisable, the Controller will transfer the money in the "Abandoned Property Account" that exceeds $50,000 to the General Fund. According to the California State Controller website, there is, currently, no time limit for claiming property.

Question: Can refunds letters be translated to Spanish?
Response: Yes. In August 2022, WRCOG contracted a professional translator and had all variations of the refund letters translated to Spanish. Starting in September, when refunds are processed, any correspondence will be provided in both English and Spanish.

Question: What would be the cost should WRCOG develop and maintain its own online portal for unclaimed refunds?
Response: A portal on WRCOG's website can be created and updated by staff and cost is limited to minimal staff time. WRCOG was able to create a search tool that that could be embedded to the WRCOG website. The property owner is presented with a search box they can use to enter their name or assessment ID and click "submit." Results are displayed if a match is found. All private data is removed, results would only show name, amount, and assessment ID.

Status of Additional Staff Analysis After, and in Response to, September 14th A&F Committee Meeting

The focus of the September A&F Committee meeting focused largely on the desire of Committee members to protect the ability of property owners or their heirs to collect money owed to them even if their claim occurs well after the statutory period for making claims. Based on the tenacity of the conversation, staff evaluated a new option that was not previously presented to the Committee.

The July proposal to the A&F Committee supported a policy change that would allow WRCOG to take possession of the funds following the expiration of the statutory requirement. The September proposal to the A&F Committee was expanded to expand the time in which funds could be claimed to a period beyond the statutory minimum. Attachment 1 is a copy of the Staff Report and associated attachments that was presented to the A&F Committee in September and is being provided to this Staff Report for reference.

While the recommendation for this item is to adopt the recommendation of the A&F Committee, in an effort to provide the most current and comprehensive information, a new option is included for awareness purposes.

When valid claims are made to the State for funds in its possession, the claims are paid at face value. No interest is accrued for the claim. The State retains any interest earnings for the funds being held. While claims to the State are honored in perpetuity, advertising for those claims is not. As a result, the holding costs to the State are minimal for this process. If WRCOG opted to hold the funds and make them perpetually available, the holding costs would similarly be minimal. Those holding costs would be less than the interest earning achieved by investing the funds. It would be similar to a non-wasting endowment in which the principal amount would remain unchanged unless a valid claim against the funds was honored. Attachment 2 provides a chart of various scenarios involving differing principal amounts and interest rates for reference.

Again, this option emerged after the A&F Committee meeting so it has not been discussed by that Committee. The recommendation for this item remains for the Executive Committee to affirm the recommendation of the A&F Committee. If the Executive Committee opts to have the funds revert to the State, no action is required. If, however, the Executive Committee would like to make a policy statement by adopting a resolution, or if the Committee opts for something other than the recommendation, the item could be developed for the November Executive Committee meeting.

Options Presented at the September A&F Committee Meeting to Proceed and Next Steps:

1. Escheat unclaimed refunds to the State
    a. Send funds to the State
    b. State notices property owners; or
2. Implement WRCOG Unclaimed Refunds Policy and Procedure
    a. Implement unclaimed refund online portal on WRCOG website
    b. Implement public notice process
    c. Develop claim form
        i. Property owner submits claim form and proof of identity (copy of driver's license, social security card, etc.)
        ii. Claim is received by WRCOG, verified of its validity, and refund is issued.

Prior Action(s):

September 14, 2022: The Administration & Finance Committee recommended that the Executive Committee permit unclaimed PACE refunds to revert to the State where they can be perpetually available for property owners or their heirs to submit valid claims.

July 13, 2022: The Administration & Finance Committee tabled this item for further discussion at a future meeting.

Fiscal Impact:

Based on the current recommended action from the Administration & Finance Committee, once the unclaimed refunds reach the three-year threshold, the funds will be remitted to the State of California. Previously, staff recommended a policy that would allow for the funds to be transferred to WRCOG's General Fund, where there would have been a fiscal impact to the Agency.

Attachment(s):

Attachment 1 - PACE Unclaimed Refund Policy and Procedure Staff Report from Administration & Finance Committee

Attachment 2 - Interest Rate Returns

Attachment

PACE Unclaimed Refund Policy and Procedure Staff Report from Administration & Finance Committee

Western Riverside Council of Governments
Administration & Finance Committee

Staff Report

Subject: **PACE Programs Activities Update: Adoption of Unclaimed Refund Policy and Procedure**

Contact: **Casey Dailey, Director of Energy & Environmental Programs, cdailey@wrcog.us, (951) 405-6720**

Date: **September 14, 2022**

Requested Action(s):

1. Recommend that the Executive Committee adopt Resolution Number 21-22; A Resolution of the Executive Committee of the Western Riverside Council of Governments adopting an Unclaimed Refund Check Policy and Procedure.

Purpose:

The purpose of this item is to recommend the adoption of Resolution Number 21-22, which will create an Unclaimed Refund Check Policy and Procedure for the WRCOG PACE Programs.

WRCOG 2022-2027 Strategic Plan Goal:

Goal #5 - Develop projects and programs that improve infrastructure and sustainable development in our subregion.

Background:

WRCOG's PACE Programs provide financing to property owners to implement energy saving, renewable energy, water conservation, and seismic strengthening improvements. Improvements installed utilizing PACE financing are secured by placing a lien on the underlying property and are paid back through a line item charge on the secured property tax bill. The Program was initiated in December 2011 and was expanded in 2014 to allow jurisdictions throughout the state to join and allow property owners in these jurisdictions to participate.

Unclaimed Refunds

In 2012, WRCOG began issuing bonds to finance residential PACE home improvements. PACE assessments are paid as a secured assessment line item on the property tax bill, which is paid twice a year. When a property owner makes a prepayment or pays off the assessment prior to paying their property tax bill, and if the county in which the assessment was levied cannot make a correction to remove or adjust the PACE amount, it results in an over payment of the PACE assessment. When this occurs, the property owners are owed a refund for the difference. The refunds are issued by WRCOG after the counties disburse the funds collected through the property tax payments. A majority of refunds are processed in February after the first property tax installment is paid and then again in June after the second property tax installment is paid.

Refund process:

1. WRCOG receives the refund list for the property owners that overpaid their PACE assessment on their property tax bill.
2. WRCOG processes the refunds.
3. WRCOG mails out the refunds to each property owner on the list.
    a. In some instances, before a check is returned to WRCOG as undeliverable, a Post Office may attempt to deliver the check more than once if the address is not clear, if there is no forwarding address, or if the property owner requests to have the check held.
    b. In cases where the property owners notify WRCOG that their refund was not received (lost mail, not delivered, stolen, etc.), WRCOG will re-issue the refund and mail it back out. Sometimes, the property owners opt to pick up the check at WRCOG's office.
    c. If the refund check was not received after the second time it was mailed out, WRCOG will re-issue the check and send it via certified mail.

After attempting to deliver the refund checks multiple times, some refunds are returned to WRCOG or remain unclaimed, where they reside in a WRCOG pass-through account. In 2020, staff began working with Bond Counsel to identify what to do with these funds or if they could be moved elsewhere. At that time, it was identified by WRCOG's Bond Counsel that:

"Any individual item of less than fifteen dollars ($15), which is unclaimed for a period of one (1) year, may be transferred to WRCOG's PACE Reserve Account in accordance with California Government Code Section 50055. Items fifteen dollars ($15) and over, unclaimed for more than three (3) years, will be processed in accordance with California Government Code Sections 50050-500256 and may become the property of WRCOG at anytime after the three-year period."

In 2020, there were no unclaimed refunds that met the three-year requirement. Since there was nothing that could be done with the funds, the funds were left in the pass-through account to keep separate from Agency funds. However, by June 2022, staff identified that 175 refunds have been unclaimed for over three years. All current unclaimed refunds are from residential assessments. The total amount of these refunds is $238,889.93. By December 2022, it is estimated that there will be 290 unclaimed refunds, totaling an estimated amount of $398,119.

WRCOG's Bond Counsel identified that WRCOG has two options at the time a refund goes unclaimed for three years:

1. WRCOG can develop an Unclaimed Refund Check Policy and Procedure in order to claim the aged refunds.
2. WRCOG would remit all unclaimed funds to the state in which then the state will exercise its right to take ownership of the unclaimed assets.

In accordance with State law, the Policy (Attachment 1) requires that notice must be given as follows:

1. Annually, for all refunds that have been deemed as unclaimed for three years or more, WRCOG must publish a notice of the unclaimed refund checks in a newspaper of general circulation;
2. The notice must be published once a week for two consecutive weeks;

3. The notice must state the amount of money that is unclaimed;
4. The notice must state where the money is being held;
5. A statement announcing that the money will become property of WRCOG after 45 days of the first publication; and
6. There must be a contact number and/or website where to submit the inquiry or claim.

If a property owner wants to claim the funds, they must file a claim with WRCOG. The property owner must include their name, phone number, address, proof of identity, amount of the claim, the grounds on which the claim is founded, and any other information required by WRCOG. The claim must be made before the date the unclaimed refund check funds become property of WRCOG. After the claim has been received by WRCOG, it will be up to WRCOG to determine if the claim is accepted or rejected. If the claim is accepted, WRCOG will issue a new refund check and send it to the claimant. If the claim is rejected, the claimant can file in court to serve WRCOG with a verified complaint. This must be done within 30 days from the date the rejection notice was received.

If there are no claims received, the unclaimed refund money becomes property of WRCOG. The Executive Committee would be required to adopt a resolution to formally transfer the unclaimed funds to the General Fund. The resolution will include a list of all the property owners or entities having unclaimed refund checks. Adoption of the resolution allows WRCOG to then transfer the unclaimed funds to its General Fund.

Staff Follow-up Responses to July 13, 2022, Administration & Finance Committee Questions

On July 13, 2022, this item was presented to the Administration & Finance Committee and a number of questions were raised prior to the Committee taking action. These questions included:

Question: How many unclaimed refunds are there per jurisdiction?
Response: Please see table below for the WRCOG sub-region. Additionally, Attachments 2 and 3 provide additional information regarding three-year aged, and older, unclaimed refund by county.

City	Number of Refunds	Refund Amount
Banning	2	$2,371.76
Beaumont	5	$6,387.37
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Canyon Lake	3	$3,714.20
Corona	7	$9,743.90
Eastvale	0	$0.00
Hemet	4	$7,304.04
Jurupa Valley	1	$760.66
Lake Elsinore	4	$3,846.22
Menifee	2	$1,327.26
Moreno Valley	19	$19,919.91
Murrieta	7	$8,707.33
Norco	3	$5,523.80
Perris	1	$1,471.43
Riverside	16	$20,606.19
San Jacinto	6	$6,644.21

Temecula	11	$9,603.55
Unincorporated	21	$24,604.52
Wildomar	6	$7,124.21
Grand Total	**119**	**$141,749.70**

Question: How often are refunds mailed out?
Response: WRCOG receives, processes, and distributes refunds on a monthly basis.

Question: If WRCOG sent all PACE unclaimed refunds to the State, what does the State do with any unclaimed refunds?
Response: Within one year after the State has received the escheated property, the State Controller is required to publish a notice of the property in order for the owners to possibly claim the property. In accordance to Section 1501 of the Civil Procedure, property received by the State under the Unclaimed Property Law will not permanently escheat to the State. It is the intent of the California Legislature that property owners be reunited with their property.

At the end of each month, if the Controller deems it advisable, the Controller will transfer the money in the "Abandoned Property Account" that exceeds $50,000 to the General Fund. According to the California State Controller website, there is, currently, no time limit for claiming property.

Question: Can refunds letters be translated to Spanish?
Response: Yes. In August 2022, WRCOG contracted a professional translator and had all variations of the refund letters translated to Spanish. Starting in September, when refunds are processed, any correspondence will be provided in both English and Spanish.

Question: What would be the cost should WRCOG develop and maintain its own online portal for unclaimed refunds?
Response: A portal on WRCOG's website can be created and updated by staff and cost is limited to minimal staff time. WRCOG was able to create a search tool that that could be embedded to the WRCOG website. The property owner is presented with a search box they can use to enter their name or assessment ID and click "submit." Results are displayed if a match is found. All private data is removed, results would only show name, amount, and assessment ID.

Options to Proceed and Next Steps:

Administration & Finance Committee is being asked to make a recommendation to the Executive Committee. Two options are presented for consideration:

1. Escheat unclaimed refunds to the State
    - Send funds to the State
    - State notices property owners
2. Implement WRCOG Unclaimed Refunds Policy and Procedure
    - Implement unclaimed refund online portal on WRCOG website
    - Implement public notice process
    - Develop claim form
        - Property owner submits claim form and proof of identity (copy of driver’s license, social security card, etc.)

- Claim is received by WRCOG, verified of its validity, and refund is issued.

Prior Action(s):
July 13, 2022: The Administration & Finance Committee tabled this item for further discussion at a future meeting.

Fiscal Impact:
Any individual item of $15.00 or less, which is unclaimed for a period of one year, may be transferred to WRCOG's PACE Reserve Account under WRCOG's General Fund. Items $15.00 and over, unclaimed for more than three years, may become the property of WRCOG and also transferred to WRCOG's PACE Reserve Account. As of June 2022, there is $238,889.93 in unclaimed refunds that would be subject to this new Policy. If any funds are transferred to the PACE Reserve Account, the change will be reflected in a future budget amendment.

In the event the Executive Committee directs staff to develop and maintain a portal on the WRCOG website, costs will be limited to staff time as there is no authorized budget for the development, implementation, and maintenance of a new customer facing portal in FY 2022/2023.

Attachment(s):
Attachment 1 - Resolution Number 21-22 Unclaimed Refund
Attachment 2 - Unclaimed Refunds WRCOG subregion
Attachment 3 - Unclaimed Refunds All Counties

Attachment

Resolution Number 21-22; A Resolution of the Executive Committee of the Western Riverside Council of Governments adopting an Unclaimed Refund Check Policy and Procedure

RESOLUTION NUMBER 21-22

A RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS ADOPTING AN UNCLAIMED REFUND CHECK POLICY AND PROCEDURE

WHEREAS, the Western Riverside Council of Governments ("WRCOG") has established the Energy Efficiency and Water Conservation Program for Western Riverside County (commonly referred to as the "WRCOG PACE Program") and the California HERO Program (the "CA HERO Program," collectively with the WRCOG PACE Program, the "Programs") for the purpose financing the installation of authorized improvements ("Eligible Improvements") on commercial and residential properties ("Commercial Properties") located within the program area of the Programs (the "Program Area") as authorized under and defined by the Program; and

WHEREAS, on occasion, WRCOG occasionally issues refund checks related to the WRCOG PACE Program; and

WHEREAS, on occasion, taxpayers fail to cash or otherwise collect the refund checks issued (Unclaimed Refund Checks); and

WHEREAS, California Government Code Section 50055 allows for Unclaimed Refund Checks of less than fifteen dollars, which are unclaimed for a period of one year, to be transferred to WRCOG's PACE Reserve Account. Unclaimed Refund Checks fifteen dollars and over, unclaimed for more than three years, may also become the property of WRCOG at any time after the three-year period, under California Government Code Sections 50050-50056; and

WHEREAS, WRCOG has created a new policy entitled "Unclaimed Refund Check Policy and Procedure" ("Policy"), attached hereto as Exhibit "A", in order to address the process for transferring Unclaimed Refund Checks to WRCOG's PACE Reserve Account; and

WHEREAS, the proposed Policy has been submitted to the WRCOG Executive Committee for consideration and action.

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

Section 1. Authorization to Adopt Policy. The Executive Committee hereby adopts the Unclaimed Refund Check Policy and Procedure.

Section 2. Effective Date. This Resolution shall take effect upon the date of its adoption.

PASSED AND ADOPTED at a Meeting of the Executive Committee of the Western Riverside Council of Governments held September 12, 2022.

______________________	______________________
Crystal Ruiz, Chair	Dr. Kurt Wilson, Secretary
WRCOG Executive Committee	WRCOG Executive Committee

Approved as to form:

____

Best Best & Krieger, LLP
Bond Counsel

AYES: ________ NAYS: ________ ABSENT: ________ ABSTAIN: ________

EXHIBIT "A"

Unclaimed Refund Checks Policy and Procedure

UNCLAIMED REFUND CHECK POLICY AND PROCEDURE

Purpose
The purpose of this Policy is to provide guidance on the handling of unclaimed refunds in compliance with California Government Code.

Policy
Any individual item of less than fifteen dollars, which is unclaimed for a period of one year, may be transferred to WRCOG's PACE Reserve Account in accordance with California Government Code Section 50055. Items fifteen dollars and over, unclaimed for more than three years, will be processed in accordance with California Government Code Sections 50050-50056 and may become the property of WRCOG at any time after the three-year period. The Finance Department is responsible for complying with this Policy.

Definitions
Refund Check – unclaimed refund checks that were issued as a part of the California HERO or other WRCOG programs that remain uncashed for a period of more than six months from the date the check was issued.

Procedure

A. Refund Checks under fifteen dollars:

1. On a monthly basis, all Refund Checks under fifteen dollars, unclaimed for a period of one year or more, will be identified by the Finance Department.

2. A Refund Check report will be created by the Finance Department to reverse each check to WRCOG to be distributed to WRCOG's PACE Reserve Account.

B. Refund Checks fifteen dollars and over:

1. On an annual basis, all checks fifteen dollars and over, unclaimed for more than three years, will be identified by the Finance Department.
2. A notice will be published once a week for two consecutive weeks in a local newspaper of general circulation.
3. The notice will contain the following information:

   a. The amount of money;
   b. The fund where the money is being held;
   c. Statement announcing that the money shall become the property of WRCOG on a date that is forty-five days after the first publication of the notice;
   d. Payee name and check amount;
   e. A contact number or website address to make an inquiry or claim.

4. If the payee, their heir, beneficiary, or duly appointed representative claim ownership of the money before it becomes property of WRCOG, a written claim must be filed with WRCOG. Any claim must be filed before the date that the money becomes the property of WRCOG. Proof substantiating the claim will need to be in a writing, which consists of:

    a. Claimant's name, address, and telephone number;
    b. Proof of identity (driver's license, social security card, or birth certificate);
    c. The amount of the claim; and
    d. The grounds on which the claim is founded.

5. WRCOG will determine whether to accept or reject the claim and will provide notice to the claimant of the decision. If the claim is accepted, the money may be released to the claimant. If the claim is rejected, the claimant will have thirty days from the date the notice is received to file in court and serve WRCOG with a verified complaint. Therefore, WRCOG shall withhold the release of the portion of the unclaimed money until the time passes to file an action in court. If a court action is filed, WRCOG shall withhold the release of the portion of the unclaimed money until a final decision is rendered by the court.
6. Proof of publication of the notice published once a week for two consecutive weeks in a local newspaper of general circulation is to be retained for period of up to seven years as verification that the notice was placed in the publication and ran for two consecutive weeks.
7. Upon close of business on the forty-fifth day after the publication of the first notice in a local newspaper of general circulation, the unclaimed check amounts will revert to WRCOG, except as otherwise provided in paragraph B(5).
8. After the money reverts to WRCOG, the Executive Committee may authorize its transfer to the PACE Reserve Account.

RELATED DOCUMENTS

Government Code Sections 50050 through 50056.

Attachment

WRCOG Subregion Unclaimed Refunds (Older than 3 years as of December 2021)

WRCOG Subregion Unclaimed Refunds
(Older than 3 years as of December 2021)

City	Sum of Number of Refunds	Refund Amount
Banning	2	$2,371.76
Beaumont	5	$6,387.37
Calimesa	1	$2,089.14
Canyon Lake	3	$3,714.20
Corona	7	$9,743.90
Eastvale	0	$0.00
Hemet	4	$7,304.04
Jurupa Valley	1	$760.66
Lake Elsinore	4	$3,846.22
Menifee	2	$1,327.26
Moreno Valley	19	$19,919.91
Murrieta	7	$8,707.33
Norco	3	$5,523.80
Perris	1	$1,471.43
Riverside	16	$20,606.19
San Jacinto	6	$6,644.21
Temecula	11	$9,603.55
Unincorporated	21	$24,604.52
Wildomar	6	$7,124.21
Grand Total	**119**	**$141,749.70**

Attachment

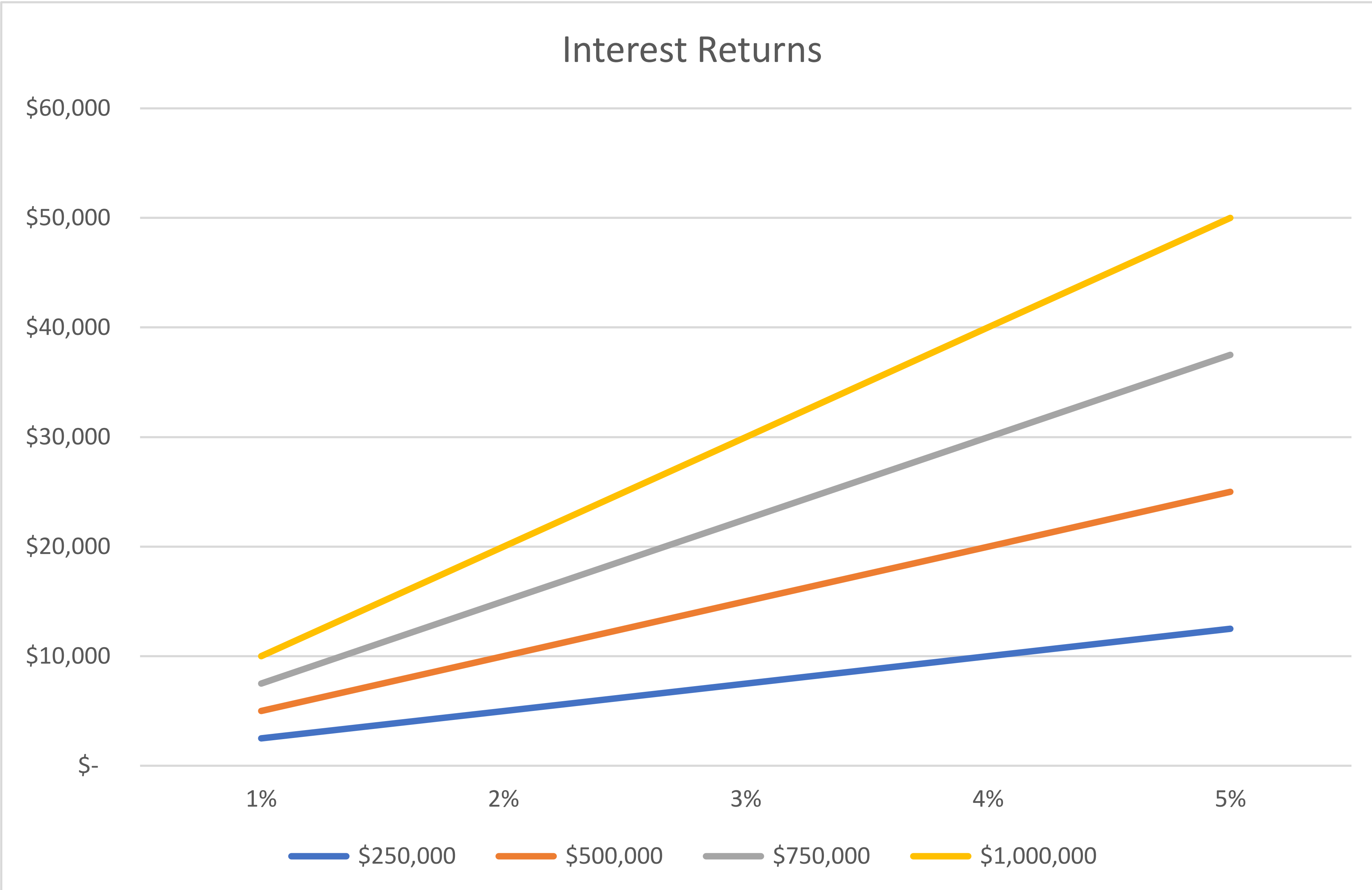
Unclaimed Refunds - All Counties
(Older than 3 years as of December
2021)

Unclaimed Refunds - All Counties
(Older than 3 years as of December 2021)

County	Count of Number of Refunds	Sum of Refund Amount
Alameda	2	$2,454.19
Contra Costa	2	$293.13
Fresno	5	$4,559.27
Imperial	9	$8,857.82
Kern	29	$39,185.90
Kings	1	$1,073.16
Los Angeles	8	$14,425.93
Madera	2	$3,460.24
Merced	7	$7,578.47
Napa	1	$3,052.34
Riverside	135	$170,564.46
Sacramento	9	$16,057.21
San Diego	9	$23,372.41
San Francisco	1	$2,365.44
San Joaquin	21	$25,154.25
San Mateo	1	$731.54
Santa Clara	1	$239.97
Solano	8	$12,761.09
Sonoma	2	$1,078.01
Stanislaus	2	$2,167.98
Sutter	1	$729.02
Tulare	15	$14,595.19
Ventura	20	$36,351.49
Yolo	1	$2,274.60
Grand Total	292	$393,383.11

Attachment

Interest Rate Returns


Interest Returns
$60,000
$50,000
$40,000
$30,000
$20,000
$10,000
$-
1%
2%
3%
4%
5%
$250,000
$500,000
$750,000
$1,000,000