



## **UPLAND CITY COUNCIL**

### **AGENDA**

**May 26, 2015  
City Council Chambers**

**RAY MUSSER, MAYOR  
GLENN BOZAR, MAYOR PRO TEM  
GINO L. FILIPPI, COUNCILMEMBER  
DEBBIE STONE, COUNCILMEMBER  
CAROL TIMM, COUNCILMEMBER**

**ROD BUTLER, CITY MANAGER  
RICHARD L. ADAMS II, CITY ATTORNEY**

**\* \* \* \* \***  
**6:00 PM - Closed Session**

- 1. CALL TO ORDER AND ROLL CALL**
- 2. ADDITIONS-DELETIONS TO AGENDA**
- 3. ORAL COMMUNICATIONS**

This is a time for any citizen to comment on item listed on the closed session agenda only. Anyone wishing to address the legislative body is requested to submit a speaker card to the City Clerk at or prior to speaking. The speakers are requested to keep their comments to no more than four (4) minutes. The use of visual aids will be included in the time limit.

#### **4. CLOSED SESSION**

- A. GOVERNMENT CODE SECTION 54956.9 - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Paragraph (1) of Subdivision (d) of Section 54956.9)

Case Name: California Cannabis Coalition, et al v. City of Upland, et al (Case No. CIVDS1503985)

\* \* \* \* \*

7:00 PM

**5. INVOCATION**

Pastor Jarrel Jones, 11th Street Baptist Church

**6. PLEDGE OF ALLEGIANCE**

**7. PRESENTATIONS**

Presentation of a \$73,000 check for the Recycled Water Conversion Incentive Program by Chino Basin Water Conservation District Board President Kati Ooten Parker

Proclamation declaring the week of May 15, 2015 as National Police Week accepted by Police Chief Brian Johnson

Recognition of Upland residents serving in the Military

**8. CITY ATTORNEY**

**9. ORAL COMMUNICATIONS**

This is a time for any citizen to comment on any item listed or not listed on the agenda. Anyone wishing to address the legislative body is requested to submit a speaker card to the City Clerk at or prior to speaking. The speakers are requested to keep their comments to no more than four (4) minutes. Speakers will be given five (5) minutes during public hearings. The use of visual aids will be included in the time limit. Public comments and questions for the purpose of hearing current matters of concern in our community and to provide citizens a method for the public to hear those concerns in an open venue is encouraged. However, under the provisions of the Brown Act, the City Council is prohibited from discussion of items not listed on the agenda, and therefore, the City Council, City Manager, or City Attorney will take communications under advisement for consideration and appropriate response or discussion at a later time.

**10. COUNCIL COMMUNICATIONS**

**11. CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine and will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the legislative body request specific items be removed from the Consent Calendar for separate action.

**A. WAIVE READING OF ORDINANCES AND RESOLUTIONS**

Approve the reading of titles of all ordinances and resolutions and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived. Staff will prepare summaries of all ordinances considered by the City Council and publish the summaries at least five days prior to adoptions.

**B. APPROVAL OF WARRANTS AND PAYROLL REGISTERS**

Approve Warrant Registers dated May 6, 2015 in the amount of \$2,666,237.14 and Payroll Registers dated April 30, 2015 in the amount of \$9,034.52; May 14, 2015 in the amounts of \$105,030.08 and \$598,968.28. (Staff Person: Stephanie Mendenhall)

C. APPROVAL OF MINUTES

Approve the Regular Meeting Minutes of May 11, 2015. (Staff Person: Stephanie Mendenhall)

D. 2ND READING OF ORDINANCE NO. 1892 MUNICIPAL CODE AMENDMENT PERTAINING TO CHAPTERS 1 AND 5 RELATED TO THE ABATEMENT OF NUISANCES AND RECOVERY OF FEES AND COSTS ASSOCIATED THEREWITH, DECLARATION AGAINST OPERATION OF ILLEGAL BUSINESSES AND THE ISSUANCE OF ADMINISTRATIVE CITATIONS

Hold 2nd reading by number and title only, and adopt Ordinance No. 1892 amending and revising Chapters 1 and 5 of the Upland Municipal Code related to the abatement of nuisances and recovery of fees and costs associated therewith, declaration against operation of illegal businesses, and the issuance of administrative citations. (Staff Person: Richard L. Adams II)

E. ACCEPTANCE OF WORK FOR THE EMERGENCY REPLACEMENT OF PLANT NO. 4 SWITCHGEAR

Accept the work and record the Notice of Completion for the Emergency Replacement of Plant No. 4 Switchgear. (Staff Person: Rosemary Hoerning)

F. CALIFORNIA HOME FINANCE AUTHORITY PACE PROGRAMS AND ASSOCIATE MEMBERSHIP IN THE CALIFORNIA HOME FINANCE AUTHORITY

Adopt a Resolution consenting to inclusion of properties within the City's jurisdiction in the California Home Finance Authority Program to finance renewable energy generation, energy and water efficiency improvements and electric vehicle charging infrastructure and approving associate membership in the Joint Exercise of Powers Authority related thereto; adopt a Resolution consenting to inclusion of properties within the City's jurisdiction in the California Home Finance Authority Community Facilities District No. 2014-1 (clean energy) to finance renewable energy improvements, energy efficiency and water conservation improvements and electric vehicle charging infrastructure and approving associate membership in the Joint Exercise of Powers Authority related thereto; and authorize the City Manager to execute any necessary documents to that effect. (Staff Person: Jeff Zwack)

G. SEWER SERVICE AGREEMENT FOR 2360 N MOUNTAIN AVENUE (SSA-2015-04-20)

Authorize the City Manager to execute the Sewer Service Agreement. (Staff Person: Rosemary Hoerning)

## 12. PUBLIC HEARINGS

A. ANNUAL WEED ABATEMENT PROGRAM

The City Council will consider declaring certain weeds, rubbish, refuse and dirt in the streets and private property within the City to be public nuisances and providing for abatement of the nuisances. (Staff Person: Sheldon Bloomfield)

Recommendation:

- a) Staff presentation
- b) Hold Public Hearing
- c) Close Public Hearing
- d) Approve the placement of a \$204.00 lien for administrative costs on each parcel notified of a public nuisance that failed to take corrective action.

### **13. COUNCIL COMMITTEE REPORTS**

A. PUBLIC WORKS COMMITTEE MEETING, MAY 12, 2015

### **14. BUSINESS ITEMS** None

### **15. CITY MANAGER**

A. FINANCIAL REPORT FOR THE MONTH ENDING APRIL 2015

Receive and file the Financial Report for the Month of April 2015. (Staff Person: Scott Williams)

### **16. ADJOURNMENT**

The next regularly scheduled City Council meeting is Monday, June 8, 2015.

**NOTE:** If you challenge the public hearing(s) or the related environmental determinations in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Upland, at, or prior to, the public hearing.

All Agenda items and back-up materials are available for public review at the Upland Public Library, downstairs reference desk at 450 North Euclid Avenue, the City Clerk's Office at 460 North Euclid Avenue and the City website at [www.ci.upland.ca.us](http://www.ci.upland.ca.us), subject to staff's ability to post the documents before the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office, 931-4120. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

**POSTING STATEMENT:** On May 21, 2015 a true and correct copy of this agenda was posted on the bulletin boards at 450 N. Euclid Avenue (Upland Public Library) and 460 N. Euclid Avenue (Upland City Hall).

**MINUTES OF THE REGULAR MEETING OF THE  
UPLAND CITY COUNCIL  
MAY 11, 2015**

**OPENING**

The regular meeting of the Upland City Council was called to order by Mayor Ray Musser at 6:03 p.m. in the Council Chambers of the Upland City Hall.

**1. ROLL CALL**

Present: Mayor Ray Musser, Councilmembers Glenn Bozar, Gino Filippi, Debbie Stone, Carol Timm

Staff: City Manager Rod Butler, City Attorney Richard L. Adams II, and City Clerk Stephanie A. Mendenhall

**2. ADDITIONS/DELETIONS TO AGENDA** None

**3. ORAL COMMUNICATIONS** None

**4. CLOSED SESSION** None

At 6:04 p.m., Mayor Musser announced the City Council would recess until 7:00 p.m.

The City Council reconvened in open session at 7:02 p.m.

**5. INVOCATION** Sohelia Azizi, Baha'i Faith of Upland

**6. PLEDGE OF ALLEGIANCE** Councilmember Filippi

**7. PRESENTATIONS**

A Proclamation declaring April 25, 2015 as Community Day of Service was accepted by Bob Beidle the Upland Community Service Council President.

A Proclamation declaring May 17 – 23, 2015 as Public Works Week was accepted by Public Works Director Hoerning.

A Proclamation declaring May 2015 as Upland Pet Adoption Month was accepted by City Manager Butler.

A Proclamation designating Upland as Purple Heart City was accepted by City Manager Butler.

**8. CITY ATTORNEY**

City Attorney Adams announced there was nothing to report as there were no closed session items.

**9. ORAL COMMUNICATIONS**

Keith Calvert, Upland, stated his view against water privatization and leasing out our water rights.

Todd D'Braustein, Upland, provided a verbal report on the May 6, 2015 Traffic Safety Advisory Committee meeting and that they would not meet until after September unless needed.

Ryan Bacchas of Los Angeles, new director of the Cannabis Coalition, stated the Mayor has been known to embezzle money and report others to Federal agents. The Coalition will do whatever it takes to protect the patients and the citizens' rights by providing them with safe access to products.

Mayor Musser responded that Mr. Bacchas' comments were completely incorrect.

Bill Schuessler, Upland, spoke on Consent Calendar 10H encouraging the City Council to continue to go forward with these committees with people that can move forward for the benefit of all.

Javier Vargas, Upland, asked the City Council to assist with the enforcement of his neighbor's hundreds of cats, where he feels it is unsafe to take his daughter outside.

City Manager Butler will follow up with Animal Services Supervisor Knowlton tomorrow.

Wayne Murin, Upland, felt that a lot of the water problems lie with the broken sprinklers in parkways, as most residents water in the early hours and are not aware of the problem.

Mayor Musser suggested getting volunteers to walk the streets early in the morning to assist with the problem.

Davion Gaisie and Grace Mertz of Upland, spoke referring to the Jr. Fair Board of the Los Angeles Fairplex, explaining the application process and the great opportunities for junior and senior high school students in making a difference in their communities.

Mark Gutglueck asked for clarification on Public Hearing Item 11B as to how it will visually affect the current housing setbacks for his article.

Wynn Sands, Upland, asked the City Council to really consider Business Item 13B in blending the fire command staff with Montclair and losing our independence.

## **10. CONSENT CALENDAR**

Councilmember Timm removed Consent Calendar Items 10E, 10F and 10H for separate action. Motion by Councilmember Timm to approve the remainder of the Consent Calendar, seconded by Councilmember Stone, and carried unanimously.

Mayor Musser announced that Consent Calendar Item 10E would be heard during Public Hearing Item 11B as they are related.

### **A. WAIVE READING OF ORDINANCES AND RESOLUTIONS**

Approved the reading by title of all ordinances and resolutions and declared that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived. Staff will prepare summaries of all ordinances considered by the City Council and publish the summaries at least five days prior to adoption.

B. APPROVAL OF WARRANTS AND PAYROLL REGISTERS

Approved Warrant Registers dated April 22, 2015 in the amount of \$1,725,503.97; April 30, 2015 in the amount of \$244,042.72 and Payroll Registers dated April 30, 2015 in the amount of \$654,729.63.

C. APPROVAL OF MINUTES

Approved the Special and Regular Meeting Minutes of April 27, 2015.

D. EMERGENCY REPLACEMENT OF PLANT NO. 4 SWITCHGEAR

Received and filed status update.

G. ACTIVE TRANSPORTATION PROGRAM (ATP) GRANT PARTNERSHIP

Adopted Resolution No. 6269 authorizing participation with the City of Ontario for Cycle 2 Active Participation Program funding to construct bicycle improvements on San Antonio Avenue; and authorized the City Manager to execute documents.

ITEMS REMOVED FOR SEPARATE ACTION

F. APPROVAL OF FINAL TRACT MAP 18951 LOCATED AT THE SOUTHEAST CORNER OF CENTRAL AVENUE AND 11TH STREET

There was discussion on the buildings and landscaping aspects of this project.

Motion by Councilmember Timm to approve Final Tract Map 18951; authorize the City Manager to execute the Subdivision Improvement Agreement with Upland Central, LLC; and accept the Faithful Performance Bond in the amount of \$1,485,000 and Labor and Materials Bond in the amount of \$743,000, seconded by Councilmember Stone, and carried unanimously.

H. REVIEW OF THE POLICIES AND PROCEDURES RELATIVE TO ESTABLISH AND OPERATE COMMISSIONS, COMMITTEES, BOARDS AND AUTHORITIES

The City Council was provided with a document to include an additional duty of the Planning Commissioner to serve on the Historic Preservation Commission.

Administrative Services Director Mendenhall provided a history on the Mayor's appointments to the boards and committees.

There was a suggestion to bring back the committees at a later time for refreshment.

City Attorney Adams stated this item was brought before the City Council per their request at the last meeting to have the Mayor's appointment sit as Chairperson with the exception of Planning Commission, Library Board and Personnel Board of Review. Further, the issue on the procedure in bringing agenda items forward will be brought back at a future meeting.

A motion was made by Councilmember Timm to adopt Resolution No. 6270 amending the policies and procedures relative to the establishment and operation of commissions, committees, boards and authorities appointed to advise the City Council, along with the additional duty to the Planning Commission to serve as the Historic Preservation Committee, seconded by Mayor Musser.

Councilmember Filippi was concerned about adding the additional duty to the Planning Commission at the last second.

A vote was taken and carried with Councilmembers Filippi and Stone voting no.

## **11. PUBLIC HEARINGS**

### **A. FY 2015-19 CONSOLIDATED PLAN AND FY 2015-16 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ONE-YEAR ACTION PLAN**

Report given by Community Development Block Grant Committee Chairperson Walker, which is on file in the City Clerk's Office. The City Council was provided with a breakdown of past funding and a low and moderate income area map.

There was discussion on the location of the funded improvements in the city and how the code enforcement funds are paid and used.

Mayor Musser opened the public hearing.

Wynn Sands, 305 N. 2<sup>nd</sup> Avenue #115, questioned the spending of funds to redesign the plans to bring in low income housing chasing businesses away. He suggested having the federal government keep their money so we can run the city our own way.

Development Services Director Zwack stated for clarification that Mr. Sands is referring to the General Plan Update.

There being no other speakers, Mayor Musser closed the public hearing.

There was a suggestion in the future to look at funding recommendations that will assist Upland individuals for homeless prevention services.

Motion by Councilmember Stone to adopt Resolution No. 6271 approving the City of Upland Consolidated Plan for Fiscal Years 2015-19 and One-Year Action Plan for Fiscal Year 2015-16; and authorized the City Manager to execute any and all necessary and related documents to implement the FY 2015-16 Plan, seconded by Councilmember Bozar, and carried unanimously.

### **B. VACATION OF 17-FOOT STRIP ALONG 8TH STREET (FROM NORTHEAST CORNER OF SULTANA AVENUE AND 8TH STREET TO APPROXIMATELY 643 FEET EASTERLY)**

Report given by Public Works Director Hoerning, which is on file in the City Clerk's Office.

There was discussion on the right of way, density and landscape of the project, including the improvements in Consent Item 10E.

Mayor Musser opened the public hearing and hearing no testimony, closed the public hearing.

Motion by Councilmember Stone to adopt Resolution No. 6272 declaring an order to vacate a 17 foot strip, along the entire width of the property frontage on 8th Street (from northeast corner of 8th Street & Sultana Avenue to approximately 643 feet easterly), seconded by Councilmember Timm, and carried unanimously.

**10. CONSENT CALENDAR**

- E. APPROVAL OF FINAL TRACT MAP 18697 LOCATED AT THE NORTHEAST CORNER OF 8TH STREET AND SULTANA AVENUE

Motion by Councilmember Stone to approve Final Tract Map 18697; authorize the City Manager to execute the Subdivision Improvement Agreement with William Lyon Homes, Inc.; and accept the Faithful Performance Bond in the amount of \$2,841,000 and Labor and Materials Bond in the amount of \$1,421,000, seconded by Councilmember Timm, and carried unanimously.

**12. COUNCIL COMMITTEE REPORTS**

- A. FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING, MAY 4, 2015

Councilmember Bozar provided a recap of the meeting, which is on file in the City Clerk's Office. This was for information only and no action was required.

**13. BUSINESS ITEMS**

- A. MUNICIPAL CODE AMENDMENT TO CHAPTERS 1 AND 5 RELATED TO THE ABATEMENT OF NUISANCES AND RECOVERY OF FEES AND COSTS ASSOCIATED THEREWITH, DECLARATION AGAINST OPERATION OF ILLEGAL BUSINESSES AND THE ISSUANCE OF ADMINISTRATIVE CITATIONS

Deputy City Attorney G. Ross Trindle, III presented the staff report, which is on file in the City Clerk's Office.

There was discussion on the recovery process for administrative costs for enforcement and legal fees, along with the effective date to begin this process.

Motion by Councilmember Bozar to introduce for 1st reading by title only and waive further reading of Ordinance No. 1892 amending and revising Chapters 1 and 5 of the Upland Municipal Code related to the abatement of nuisances and recovery of fees and costs associated therewith, declaration against operation of illegal businesses, and the issuance of administrative citations, seconded by Councilmember Timm, and carried unanimously.

- B. AMENDMENT NO. 1 TO THE MOU BETWEEN THE CITIES OF UPLAND AND MONTCLAIR FOR JOINT SHARING OF FIRE DEPARTMENT COMMAND STAFF AND EXPANSION OF AUTOMATIC AND MUTUAL AID THROUGH MUTUAL AGREEMENT TO VACATE SERVICE BOUNDARIES

Fire Chief Mayhew presented the staff report, which is on file in the City Clerk's Office.

There was discussion on the financial aspects and benefits to the city. Further that the insurance costs would be reevaluated in the future and the current agreement will need to be discussed by the City Managers in June if they want to go forward.

Councilmember Bozar requested that the item be deferred to their June meeting after the discussions on the revenue and expenditure projections, adding that the cost to Montclair needs to be increased.

Motion by Councilmember Stone to approve Amendment No. 1 to the Memorandum of Understanding between the cities of Upland and Montclair for joint sharing of Fire Department Command Staff and expansion of automatic and mutual aid through mutual agreement to vacate service boundaries, seconded by Mayor Musser, and carried with Councilmember Bozar voting no.

- C. CONSIDER ADOPTION OF RESOLUTION IDENTIFYING THE TERMS AND CONDITIONS FOR FIRE DEPARTMENT RESPONSE AWAY FROM THEIR OFFICIAL DUTY STATION AND ASSIGNED TO AN EMERGENCY INCIDENT

Fire Chief Mayhew presented the staff report, which is on file in the City Clerk's Office.

There was discussion regarding the receipt of recovery costs.

Motion by Councilmember Stone to adopt Resolution No. 6273 identifying the terms and conditions for Fire Department response away from their official duty station and assigned to an emergency incident, seconded by Councilmember Filippi, and carried unanimously.

#### **14. CITY MANAGER**

The City Council agreed to special meetings on June 15, 2015 at 4:00 p.m. in the Council Chambers for the CALPERS Actuarial Report and the Five-Year Financial Model and Strategy Reports and June 20, 2015 at 9:00 a.m. in the Carnegie Library for the goals workshop to receive an update on previously discussed goals and the Fiscal Task Force recommendations.

- A. UPDATE ON POLICE DEPARTMENT STAFFING ANALYSIS

Police Chief Johnson provided an overview of his detailed staffing analysis and recommendations to be presented to the Police and Fire Committee on June 22, 2015 and the City Council July 27, 2015.

#### **15. COUNCIL COMMUNICATIONS**

Councilmembers announced various activities throughout the community.

Councilmember Stone was in consensus with Mayor Musser's request to have Council Communications moved on the agenda after Oral Communications.

Councilmember Bozar requested information where we actually stand on our water.

The City Council was in consensus with Councilmember Filippi's request for an update on San Antonio Water Company.

**16. ADJOURNMENT**

Mayor Musser adjourned the meeting at 10:13 p.m. The next regularly scheduled City Council meeting is Tuesday, May, 26, 2015.

**SUBMITTED BY**

  
\_\_\_\_\_  
Debbi Covington, Deputy City Clerk

**APPROVED**

May 26, 2015 \_\_\_\_\_



SECOND READING AND ADOPTION  
Ord No. 1892 Date 5/26/15 Item No. 100

## STAFF REPORT

~~ITEM NO. 13-A~~

**DATE:** MAY 11, 2015  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** ROD BUTLER, CITY MANAGER  
**PREPARED BY:** RICHARD L. ADAMS, II, CITY ATTORNEY  
G. ROSS TRINDLE, III, DEPUTY CITY ATTORNEY  
**SUBJECT:** MUNICIPAL CODE AMENDMENT TO CHAPTERS 1 AND 5 RELATED TO THE ABATEMENT OF NUISANCES AND RECOVERY OF FEES AND COSTS ASSOCIATED THEREWITH, DECLARATION AGAINST OPERATION OF ILLEGAL BUSINESSES AND THE ISSUANCE OF ADMINISTRATIVE CITATIONS

### RECOMMENDED ACTION

It is recommended that the City Council introduce for first reading by title only and waive further reading of an Ordinance amending and revising Chapters 1 and 5 of the Upland Municipal Code related to the abatement of nuisances and recovery of fees and costs associated therewith, declaration against operation of illegal businesses, and the issuance of administrative citations.

### GOAL STATEMENT

The proposed action supports the City's goal to establish sound fiscal policy to recover costs related to code enforcement.

### BACKGROUND

State law authorizes the City to identify public nuisances that are subject to abatement via administrative, criminal, and civil processes. The identification and abatement of public nuisances, including illegal businesses like marijuana dispensaries, can come with significant costs relating to staff time, enforcement costs, and legal fees. Depending upon the complexity of the condition subject to enforcement and abatement, the City may be forced to spend significant City resources in order to abate any specific nuisance, all in an effort to protect the health, safety, welfare, and quality of life of the community.

State law also authorizes the City to recover fees and costs--including reasonable attorneys' fees--associated with code enforcement efforts and abatement.

In response to the City Council's concern regarding the enforcement of the Upland Municipal Code, the City Attorney's office has drafted an ordinance that is being successfully used in other cities in the Inland Empire.

## **ISSUES/ANALYSIS**

Have the ability to recover the City's actual enforcement costs incurred in abating nuisances--including reasonable attorneys' fees--promotes sound fiscal policy by having those who break the laws pay for the City's enforcement costs, in addition to other remedies provided for under the municipal code, state law, or both, rather than having the City and its residents bear the burden.

By providing for specific cost recovery of the City's actual costs incurred in abating public nuisance in the Upland Municipal Code, potential violators may be deterred from engaging in/allowing the operation of a public nuisance in the first place, thus protecting and improving the health, safety, welfare, and quality of life of the community.

The addition of cost recovery mechanisms via revision of the Upland Municipal Code allows the City's legal counsel flexibility, in conjunction with City staff, in bringing out compliance and nuisance abatement, by allowing for an election of enforcement mechanisms and remedies, including administrative, criminal, and civil, as well as recovery of actual fees and costs--including reasonable attorneys' fees--any possible statutory penalties, and treble damages in certain situations. This flexibility, in turn, allows for a balanced approach to enforcement and recovery to suit the needs of each individual enforcement action.

The proposed revisions have been implemented successfully in other cities in the region, with cost recovery helping to offset significant enforcement costs, and even helping to make enforcement cost neutral with aggressive application of available remedies at the direction of city staff and officials.

## **FISCAL IMPACTS**

The City can expect a decrease in the overall net cost of code enforcement and compliance through administrative citations and cost recovery for abatement actions. The exact amount will vary depending upon the complexity of each enforcement situation, the violations at issue, and the involved parties. Other cities in the region have seen cost recovery as high as cost neutrality on a case-by-case basis with aggressive enforcement, and a net recovery over time above 90%. With the proposed revisions, the City will be able to audit the recovery obtained and provide an aggregate cost savings analysis at various levels of granularity and across different timeframes as the City may require. Between 2009 to 2014, the City has expended \$668,000 in enforcing the medical marijuana code restrictions

## **ALTERNATIVES**

Provide alternative direction to staff.

## **ATTACHMENTS:**

[Ordinance](#)

[Legal Billing - 2009 to 2014](#)

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND AMENDING AND REVISING CHAPTERS 1 AND 5 OF THE UPLAND MUNICIPAL CODE RELATED TO THE ABATEMENT OF NUISANCES AND RECOVERY OF FEES AND COSTS ASSOCIATED THEREWITH, DECLARATION AGAINST OPERATION OF ILLEGAL BUSINESSES, AND THE ISSUANCE OF ADMINISTRATIVE CITATIONS

THE CITY COUNCIL OF THE CITY OF UPLAND DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings.

A. The Upland Municipal Code, in accordance with and as authorized by Government Code section 38871 and the California Constitution, provides for the identification and abatement of public nuisances; and

B. Depending upon the complexity of the condition subject to abatement, and the application of various state laws authorizing the recovery of fees and costs (including reasonable attorneys' fees) associated with any given abatement, the City may be required to spend significant City resources in order to abate any specific nuisance in an effort to protect the health, safety, welfare, and quality of life of the community; and

C. Having the ability to recover the City's actual costs incurred in abating a nuisance (including reasonable attorneys' fees) promotes sound fiscal policy by having those who break the laws pay for the City's enforcement costs, in addition to other remedies provided for under the municipal code, state law, or both, rather than having the City bear the cost; and

D. By providing for the specific recovery of the City's actual costs incurred in abating a nuisance (including reasonable attorneys' fees), those who may seek to violate the City's laws may instead be deterred from doing so given the exposure to possible cost recovery, on top of other compliance mechanisms and remedies provided for under the municipal code, state law, or both; and

E. Assuring compliance with the City's municipal code and zoning laws promotes the health, safety, welfare, and quality of life of the community; and

F. Government Code section 38773.5(b) specifically authorizes a municipality to adopt an ordinance for the recovery of costs incurred in abating a nuisance, including reasonable attorneys' fees, in any action, including any administrative action; and

G. Government Code section 38773.7 authorizes the award of treble damages upon entry of a second or subsequent civil or criminal judgment within a two-year period following entry of judgment in abating a nuisance where the property owner is found to have been responsible for the nuisance; and

H. All legal prerequisites prior to the adoption of this ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UPLAND DOES HEREBY ORDAIN AS FOLLOWS:

Section 2. The City Council further finds as follows:

A. Pursuant to Government Code section 38773.5(b), the City Council elects to provide for the recovery of attorneys' fees in any action, administrative proceeding, or special proceeding to abate a nuisance.

B. Pursuant to Government Code section 38773.7, the City Council elects to provide for an award of treble damages upon entry of a second or subsequent civil or criminal judgment within a two-year period following entry of judgment in abating a nuisance where the property owner is found to have been responsible for the nuisance.

Section 3. Ordinance amending Municipal Code

Section 1.10.020 of Chapter 1.10 of Title 1 of the Upland Municipal Code is hereby revised to include the following two additional definitions:

. . .

"Costs" shall have the meaning set forth in California Code of Civil Procedure Section 1033.5, including, without limitation, attorneys' fees. In addition to such items, all of the following shall be included within the definition of "costs":

1. Personnel costs of the city, as actually incurred by the city (for contractors and consultants) or based on established rates of employee costs as adopted by resolution of the city council from time to time. Such personnel costs shall include, but not be limited to, the costs incurred by the city to pay any contractor to abate a public nuisance.

2. Costs of administrative hearings, including, hearing officer costs and reporter costs.

3. Accrued interest at the maximum rate established by law.

"Day" means a calendar day.

Section 4. Section 1.10.030(B) to Chapter 1.10 of Title 1 of the Upland Municipal Code is hereby revised as follows:

B. Any peace officer, code enforcement officer, or any other person designated by the city manager may issue an administrative citation to a person to remedy any violation.

Section 5. Section 1.16.005 is added to Chapter 1.16 of Title 1 of the Upland Municipal Code as follows:

1.16.005 – General Penalty; Continuing Violations; Civil Penalty

Unless a different penalty is prescribed for violation of a specific provision of this code, every act prohibited or declared unlawful, and every failure to perform an act made mandatory, shall be a misdemeanor or an infraction, at the discretion of the city attorney or the district attorney.

As used in this chapter, the term "year" means any consecutive 12-month period.

As used in this chapter, the term "offense" includes any violation of the code which is cited or charged and which does not result an acquittal, a finding of "not guilty," or a dismissal of charges by the city or the court.

- A. *Civil penalty.* Every violation of a provision of this code which is specifically designated to carry a civil penalty, in addition to a criminal penalty, shall be punishable by a civil fine not exceeding \$1,000.00, unless otherwise specifically provided and authorized by state law. Nothing set forth herein shall limit the ability of the city to seek and obtain other remedies permitted by law.

Section 6. Section 1.16.190 is added to Chapter 1.16 of Title 1 of the Upland Municipal Code as follows:

1.16.190 – Recovery of Attorneys' Fees

Any violation of this Municipal Code is hereby determined to constitute a public nuisance. The prevailing party in any judicial action and/or administrative proceeding to abate a nuisance and/or to enforce any provision of this Municipal Code may elect to recover the incurred attorneys' fees. In no judicial action or administrative proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the judicial action or administrative proceeding.

Section 7. Chapter 5.02 is added to Title 5 of the Upland Municipal Code as follows:

5.02 – Illegal Businesses Prohibited

Notwithstanding any provision of this title, no person shall transact, perform, engage in and carry on in the City of Upland any business, trade, profession, calling or occupation any business, operation or use that cannot be, or is not, conducted or carried out without being in violation of any federal, state, county or city law, ordinance or code.

Section 8. Section 5.04.095 is added to Chapter 5.04 of Title 5 of the Upland Municipal Code as follows:

5.04.095 – Penalty

Any person violating any of the provisions of the herein Title or knowingly or intentionally misrepresenting to any officer or employee of this city any material fact in procuring the license or permit provided for in this article shall be deemed guilty of an infraction, and, upon conviction thereof, shall be punished as provided in Section 1.16.005. All remedies prescribed herein shall be cumulative, and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this code.

Section 9. Section 1.16.190 is added to Chapter 1.16 of Title 1 of the Upland Municipal Code as follows:

1.16.190 – Treble damages for second or subsequent judgment.

Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a condition that may be abated in accordance with, the City shall be entitled to recover treble the costs of abatement, including reasonable attorneys' fees, for the second or subsequent judgments.

Section 10. Any provision of the Upland Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 11. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Upland hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 12. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

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Ray M. Musser, Mayor

I, Stephanie A. Mendenhall, City Clerk of the City of Upland, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City

Ordinance No.  
Page 5

Council of the City of Upland held on the \_\_\_\_ day of \_\_\_\_, 2015, and was adopted at a regular meeting of said City Council of the City of Upland on the \_\_\_\_ day of \_\_\_\_, 2015, by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

ATTEST: \_\_\_\_\_  
Stephanie A. Mendenhall, City Clerk



# STAFF REPORT

ITEM NO. 10.E

**DATE:** MAY 26, 2015  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** ROD BUTLER, CITY MANAGER  
**PREPARED BY:** ROSEMARY HOERNING, PUBLIC WORKS DIRECTOR  
BOB CRITCHFIELD, PRINCIPAL ENGINEER  
**SUBJECT:** ACCEPTANCE OF WORK FOR THE EMERGENCY REPLACEMENT OF  
PLANT NO. 4 SWITCHGEAR

## RECOMMENDED ACTION

It is recommended that the City Council accept the work and record the Notice of Completion for the Emergency Replacement of Plant No. 4 Switchgear.

## GOAL STATEMENT

The proposed action supports the City's goal to maintain water facilities in good operable condition to provide safe and reliable service to the community.

## BACKGROUND

On February 9, 2015, the City Council adopted a Resolution declaring an emergency condition and approved the execution of a construction contract with KSM Electric, Inc. to replace the "switchgear" at City of Upland Plant No. 4. The City is required pursuant to the Public Contracts Code to review the work every 14 days until the emergency work is completed.

Plant No. 4 is located east of Euclid Avenue and north of 19th Street. The switchgear is used to control four booster pumps which generally boost water from a lower water pressure zone into the upper zone reservoirs. These boosters convey water to City reservoirs located between Mountain Avenue and San Antonio Avenue north of 21st Street. The switchgear is the electrical control system that manages the power supply (440 Volts) to the boosters and well facility. It is extremely important to maintain boosted water supply operations to the upper reservoir system. These upper reservoirs serve to manage pressure and meet water supply demands to many customers.

It is essential that the replacement of the critical Plant No. 4 switchgear be addressed in advance of the peak summer water demand season.

## ISSUES/ANALYSIS

The contractor has since satisfactorily completed the required improvements. The City can now accept the work and file the Notice of Completion.

**FISCAL IMPACTS**

The final construction cost of \$64,380.56 is within the original authorized expenditure amount of \$75,000. Therefore, no additional appropriation is necessary.

**ALTERNATIVES**

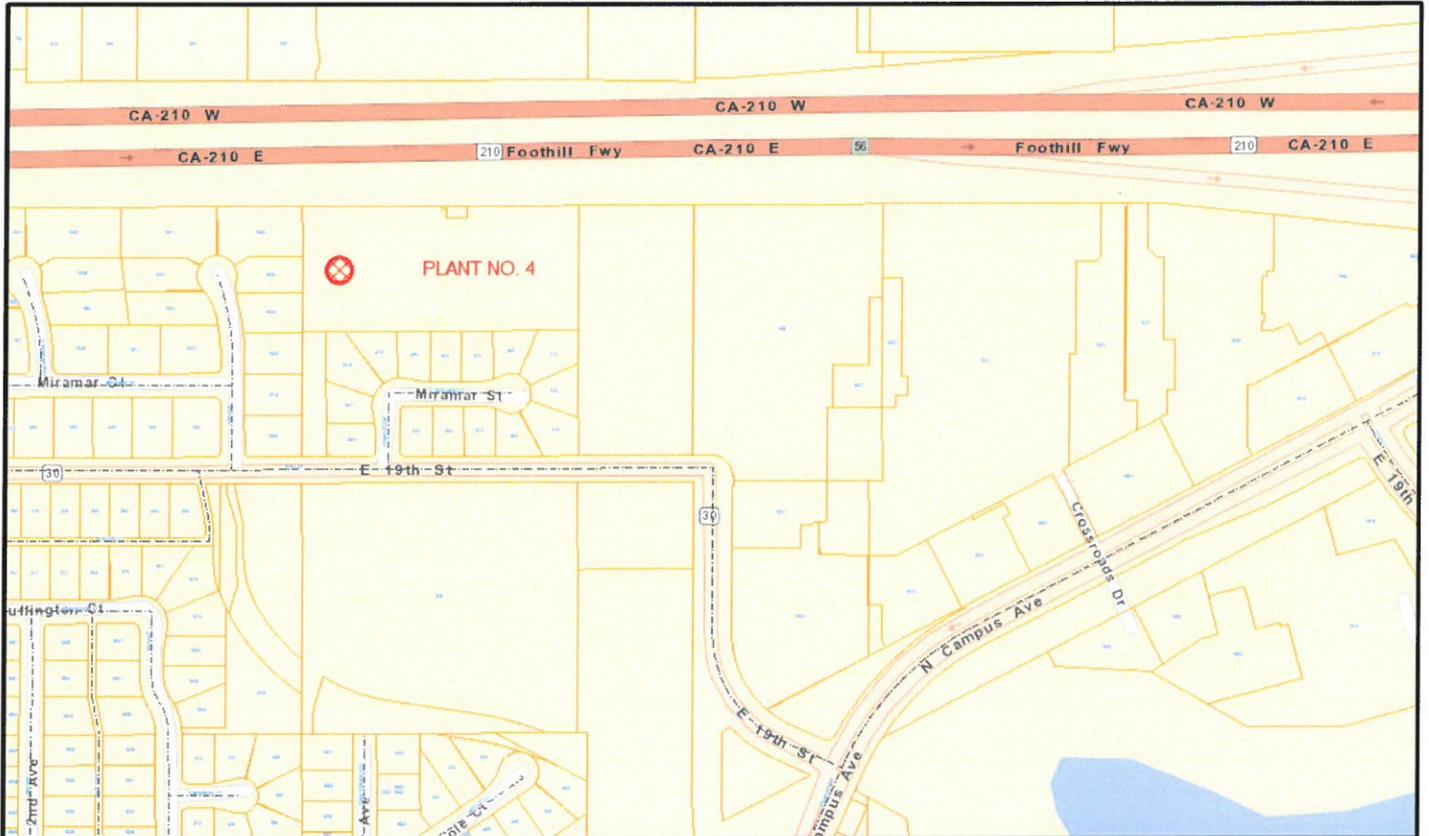
1. Do not accept the work.
2. Provide alternative direction to staff.

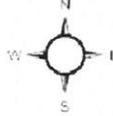
**ATTACHMENTS:**

[Vicinity Map](#)

[NOC](#)

## EMERGENCY REPLACEMENT OF PLANT NO. 4 SWITCHGEAR



1" = 376 ft	Location Map	02/04/2015		
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This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Upland for the most up-to-date information.

EMERGENCY REPLACEMENT OF PLANT NO. 4 SWITCHGEAR  
Page 3 of 3

Recording requested by  
and when recorded mail to:

City of Upland, City Clerk's Office  
P.O. Box 460  
Upland, CA 91785

(Space above this line for Recorder's use)

This document is exempt from the payment of a recording  
fee pursuant to Government Code Section 27383

### Notice of Completion

Pursuant to Civil Code Section 3093, **NOTICE** is hereby given that:

The undersigned is the owner of the interest or estate stated below in the property hereinafter described. The full name and address of owner is City of Upland, 460 North Euclid Avenue, Upland, California 91786

Assessors Parcel Numbers N/A, in and to the hereinafter described property.

The work was completed on that certain work known as **Emergency Replacement of Plant No. 4 Switchgear** for the undersigned City of Upland, a Municipal Corporation, on the **14th** day of **May, 2015**.

The City accepted the job on the **26th** day of **May, 2015**.

The Contractor on said job was **KSM Electric, Inc.** of **Calimesa**, California.

The improvement(s) consisted of **replacement of the electrical control system switchgear**; and the location of the improvements occurred at Plant No. 4 located east of Euclid Avenue and north of 19<sup>th</sup> Street, in Upland, California.

The surety was **N/A**.

All communications relating to the contract should bear the number above mentioned.

I hereby certify under penalty of perjury that the foregoing is true and correct.

Executed this **26th day** of **May, 2015** at Upland, California.

City of Upland, a Municipal Corporation

\_\_\_\_\_  
Rod B. Butler, City Manager



# STAFF REPORT

ITEM NO. 10.F

**DATE:** MAY 26, 2015  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** ROD BUTLER, CITY MANAGER  
**PREPARED BY:** JEFF ZWACK, DEVELOPMENT SERVICES DIRECTOR  
LIZ CHAVEZ, DEVELOPMENT SERVICES MANAGER  
**SUBJECT:** CALIFORNIA HOME FINANCE AUTHORITY PACE PROGRAMS AND  
ASSOCIATE MEMBERSHIP IN THE CALIFORNIA HOME FINANCE  
AUTHORITY

## RECOMMENDED ACTION

It is recommended that the City Council adopt a Resolution consenting to inclusion of properties within the City's jurisdiction in the California Home Finance Authority Program to finance renewable energy generation, energy and water efficiency improvements and electric vehicle charging infrastructure and approving associate membership in the Joint Exercise of Powers Authority related thereto; adopt a Resolution consenting to inclusion of properties within the City's jurisdiction in the California Home Finance Authority Community Facilities District No. 2014-1 (clean energy) to finance renewable energy improvements, energy efficiency and water conservation improvements and electric vehicle charging infrastructure and approving associate membership in the Joint Exercise of Powers Authority related thereto; and authorize the City Manager to execute any necessary documents to that effect.

## GOAL STATEMENT

The proposed action supports the City's Climate Action Plan and the Green Valley Initiative.

## BACKGROUND

The California Home Finance Authority (CHF) has contracted with Ygrene Energy Fund to provide property owners a choice in financing water conservation improvements, energy efficiency and renewable generation improvements to their homes and businesses throughout California.

In April 2013, the City Council authorized participation in the Home Energy Renovation Opportunity (HERO) Program, via the San Bernardino Associated Governments. This was the first of the PACE programs activated, however, HERO is mostly limited to residential property improvements. By adding the Ygrene Program, the City will provide additional financing options, rates and choices for property owners of residential, as well as commercial and industrial projects.

## ISSUES/ANALYSIS

To participate in the PACE programs, the City must become an Associate Member of CHF (via execution of a JPA Agreement). Associate membership requires no financial obligations to the City and permits participation in all CHF programs including the PACE programs.

Under the legislative authority of two separate California PACE laws namely SB 555 and AB 811, CHF has established two PACE programs. PACE financing limits are restricted to the following amounts: maximum financing cannot exceed 15% of the property value available and the minimum finance amount cannot be less than \$2,500.00.

**SB 555 PACE Community Facilities District:** Senate Bill 555 amended the Mello-Roos Community Facilities Act, set forth in sections 53311 through 53368.3 of the California Government Code. This amendment allows for the creation of Community Facilities Districts (“CFDs”) for the purpose of financing or refinancing the acquisition, installation, and improvement of energy efficiency, water conservation, renewable energy and electric vehicle charging infrastructure improvements permanently affixed to private or publicly-owned real property.

Individual properties can be annexed into the district which has already been formed in San Bernardino County. These properties will be subject to a special tax, for the individual property only, that is imposed to repay project financing only if, (i) the Council adopts a resolution consenting to the inclusion of parcels in the incorporated areas of the City within the CFD and (ii) each participating owner that chooses to participate, provides written approval for annexation of its property into the PACE CFD. It is this voluntary nature of the PACE assessment that differentiates it from traditional Mello-Roos Districts.

**AB 811 PACE Contractual Assessment Program:** By the passage of Assembly Bill 811, the California State Legislature added Chapter 29 to the California Streets and Highways Code. This legislation authorized cities and counties to establish voluntary contractual assessment programs for the purpose of financing private property improvements that promote renewable energy generation, energy and water efficiency and electric vehicle charging infrastructure.

As with the SB 555 CFD, properties can be annexed into the AB 811 PACE program and be subject to the property tax assessment that is imposed to repay project financing only if (i) the Council adopts a resolution consenting to the inclusion of parcels in the incorporated areas of the City within the program and (ii) each participating owner consents in writing to the annexation of its property into the PACE program.

Each resolution also authorizes CHF (1) to accept applications from property owners within the City’s incorporated area to finance authorized improvements; and (2) to conduct proceedings and levy special taxes or contractual assessments, as applicable, on the property of participating owners only. It is important to note that the participation in the program is voluntary.

**Eligible Improvements:** A wide range of energy efficiency, water conservation, and renewable energy improvements are eligible for financing using the Ygrene Works PACE program on residential, commercial and industrial properties. Some of the more common improvements include (1) Solar Panel Systems; (2) Heating and Air Conditioning; (3) Energy efficient windows, doors, and skylights; (4) Insulation and ductwork; (5) New roofs; (6) Water heaters-including solar and tankless systems; (7) Energy efficient lighting (8) Water saving measures and devices such as low flow toilets and faucets, up to the installation of residential grey water systems and commercial recycled water hook ups; and (9) Landscape improvements such as turf removal, installation of hardscape and/or artificial turf, new irrigations systems including climate controlled watering sensors, drip line irrigation systems and new more efficient irrigation systems.

## **FISCAL IMPACTS**

There are no fiscal impacts for the City to participate in the PACE programs, or to become a member of the JPA. The City will have no administrative responsibilities, marketing obligations, or financial obligations associated with the PACE program. The CHF will establish and manage the expenditures of the CFD financing, as well as all program advertising and oversight.

## **ALTERNATIVES**

Provide alternative direction to staff.

**ATTACHMENTS:**

[Resolution](#)

[Resolution](#)

[Agreement](#)

[Fact Sheet](#)

[Fact Sheet](#)

[Backup Material](#)

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND, CALIFORNIA, CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HOME FINANCE AUTHORITY, PROGRAM TO FINANCE RENEWABLE ENERGY GENERATION, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO

Intent of the Parties and Findings

(i) The California Home Finance Authority ("Authority") is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Act") and the Joint Power Agreement entered into on July 1, 1993, as amended from time to time (the "Authority JPA"); and

(ii) The Authority is in the process of amending the Authority JPA to formally change its name to the Golden State Finance Authority; and

(iii) Authority has established a property-assessed clean energy ("PACE") Program (the "Authority PACE Program") to provide for the financing of renewable energy generation, energy and water efficiency improvements and electric vehicle charging infrastructure (the "Improvements") pursuant to Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code ("Chapter 29") within counties and cities throughout the State of California that elect to participate in such program; and

(iv) City of Upland (the "City") is committed to development of renewable energy generation and energy and water efficiency improvements, reduction of greenhouse gases, and protection of the environment; and

(v) In Chapter 29, the Legislature has authorized cities and counties to assist property owners in financing the cost of installing Improvements through a voluntary contractual assessment program; and

(vi) Installation of such Improvements by property owners within the jurisdictional boundaries of the counties and cities that are participating in the Authority PACE Program would promote the purposes cited above; and

(vii) The City wishes to provide innovative solutions to its property owners to achieve energy and water efficiency, and in doing so cooperate with Authority in order to efficiently and economically assist property owners within the City in financing such Improvements; and

(viii) Authority has established the Authority PACE Program, which is such a voluntary contractual assessment program, as permitted by the Act, the Authority JPA, originally made and entered into July 1, 1993, as amended to date, and the City, desires to become an Associate Member of the JPA by execution of the JPA Agreement, a copy of which is attached as Exhibit "A" hereto, to participate in the programs of the JPA and to assist property owners within the jurisdiction of the City in financing the cost of installing Improvements; and

(ix) The City will not be responsible for the conduct of any assessment proceedings; the levy and collection of assessments or any required remedial action in the case of delinquencies in the payment of any assessments or the issuance, sale or administration of any bonds issued in connection with the Authority PACE Program.

NOW, THEREFORE, the Upland City Council hereby finds, determines and resolves as follow:

Section 1. This City Council finds and declares that properties in the City's incorporated area will be benefited by the availability of the Authority PACE Program to finance the installation of the Improvements.

Section 2. This City Council consents to inclusion in the Authority PACE Program of all of the properties in the jurisdictional boundaries of the City and to the Improvements, upon the request by and voluntary agreement of owners of such properties, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction thereover by Authority for the purposes thereof.

Section 3. The consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the Authority PACE Program and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Improvements, including the levying, collecting and enforcement of the contractual assessments to finance the Improvements and the issuance and enforcement of bonds to represent such contractual assessments.

Section 4. This City Council hereby approves joining the JPA as an Associate Member and authorizes the execution by appropriate City officials of any necessary documents to effectuate such membership.

Section 5. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the Authority PACE Program within the City, and report back periodically to this City Council on the success of such program.

Section 6. This Resolution shall take effect immediately upon its adoption. The City Clerk of the City of Upland shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Ray M. Musser, Mayor

I, Stephanie A. Mendenhall, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 11th day of May, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST:

\_\_\_\_\_  
Stephanie A. Mendenhall, City Clerk

Exhibit A  
JPA Agreement

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND, CALIFORNIA CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HOME FINANCE AUTHORITY COMMUNITY FACILITIES DISTRICT NO. 2014-1 (CLEAN ENERGY) TO FINANCE RENEWABLE ENERGY IMPROVEMENTS, ENERGY EFFICIENCY AND WATER CONSERVATION IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO

Intent of the Parties and Findings

(i) The California Home Finance Authority, a California joint powers authority, (the "Authority") has established the Community Facilities District No. 2014-1(Clean Energy) in accordance with the Mello-Roos Community Facilities Act, set forth in sections 53311 through 53368.3 of the California Government Code (the "Act") and particularly in accordance with sections 53313.5(l) and 53328.1(a) (the "District"); and

(ii) The purpose of the District is to finance or refinance (including the payment of interest) the acquisition, installation, and improvement of energy efficiency, water conservation, renewable energy and electric vehicle charging infrastructure improvements permanently affixed to private or publicly-owned real property (the "Authorized Improvements"); and

(iii) The Authority is in the process of amending the Authority Joint Powers Agreement (the "Authority JPA") to formally change its name to the Golden State Finance Authority; and

(iv) The City of Upland is committed to development of renewable energy generation and energy efficiency improvements, reduction of greenhouse gases, and protection of the environment; and

(v) In the Act, the Legislature has authorized a parcel within the territory of the District to annex to the District and be subject to the special tax levy of the District only (i) if the city or county within which the parcel is located has consented, by the adoption of a resolution by the applicable city council or county board of supervisors, to the inclusion of parcels within its boundaries in the District and (ii) with the unanimous written approval of the owner or owners of the parcel when it is annexed (the "Unanimous Approval Agreement"), which, as provided in section 53329.6 of the Act, shall constitute the election required by the California Constitution; and

(vi) The City wishes to provide innovative solutions to its property owners to achieve energy efficiency and water conservation and in doing so cooperate with Authority in order to efficiently and economically assist property owners the City in financing such Authorized Improvements; and

(vii) The Authority has established the District, as permitted by the Act, the Authority JPA, originally made and entered into July 1, 1993, as amended to date, and the City, desires to become an Associate Member of the JPA by execution of the JPA Agreement, a copy of which is attached as Exhibit "A" hereto, to participate in the programs of the JPA and, to assist property owners within the incorporated area of the City in financing the cost of installing Authorized Improvements; and

(viii) The City will not be responsible for the conduct of any special tax proceedings; the levy and collection of special taxes or any required remedial action in the case of delinquencies in the payment of any special taxes in connection with the District.

NOW, THEREFORE, the Upland City Council hereby finds, determines and resolves as follow:

Section 1. This City Council finds and declares that properties in the City's incorporated area will be benefited by the availability of the Authority CFD No. 2014-1 (Clean Energy) to finance the installation of the Authorized Improvements.

Section 2. This City Council consents to inclusion in the Authority CFD No. 2014-1 (Clean Energy) of all of the properties in the incorporated area within the City and to the Authorized Improvements, upon the request of and execution of the Unanimous Approval Agreement by the owners of such properties when such properties are annexed, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction thereover by Authority for the purposes thereof.

Section 3. The consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the Authority CFD No. 2014-1 (Clean Energy) and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Authorized Improvements.

Section 4. This City Council hereby approves joining the JPA as an Associate Member and authorizes the execution by appropriate City officials of any necessary documents to effectuate such membership.

Section 5. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the Authority CFD No. 2014-1 (Clean Energy) within the City, and report back periodically to this City Council on the success of such program.

Section 6. This Resolution shall take effect immediately upon its adoption. The City Clerk of the City of Upland shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 11th day of May, 2015.

\_\_\_\_\_  
Ray M. Musser, Mayor

I, Stephanie A. Mendenhall, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 11th day of May, 2015, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

ATTEST: \_\_\_\_\_  
Stephanie A. Mendenhall, City Clerk

Exhibit A  
JPA Agreement

## CALIFORNIA HOME FINANCE AUTHORITY

### AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT

(Original date July 1, 1993 and as last amended and restated December 10, 2014)

THIS AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT ("Agreement") is entered into by and among the counties listed on Attachment 1 hereof and incorporated herein by reference. All such counties are referred to herein as "Members" with the respective powers, privileges and restrictions provided herein.

#### RECITALS

A. WHEREAS, the California Rural Home Mortgage Finance Authority ("CRHMFA") was created by a Joint Exercise of Powers Agreement dated July 1, 1993 pursuant to the Joint Exercise of Powers Act (commencing with Article 1 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "Act"). By Resolution 2003-02, adopted on January 15, 2003, the name of the authority was changed to CRHMFA Homebuyers Fund. The most recent amendment to the Joint Exercise of Powers Agreement was on January 28, 2004.

B. WHEREAS, the Members of CRHMFA Homebuyers Fund desire to update, reaffirm, clarify and revise certain provisions of the joint powers agreement, including the renaming of the joint powers authority, as set forth herein.

C. WHEREAS, the Members are each empowered by law to finance the construction, acquisition, improvement and rehabilitation of real property.

D. WHEREAS, by this Agreement, the Members desire to create and establish a joint powers authority to exercise their respective powers for the purpose of financing the construction, acquisition, improvement and rehabilitation of real property within the jurisdiction of the Authority as authorized by the Act.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Members individually and collectively agree as follows:

#### 1. Definitions

Unless the context otherwise requires, the following terms shall for purposes of this Agreement have the meanings specified below:

**"Act"** means the Joint Exercise of Powers Act, commencing with Article 1 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, including the Marks-Roos Local Bond Pooling Act of 1985, as amended.

**"Agreement"** means this Joint Exercise of Powers Agreement, as the same now exists or as it may from time to time be amended as provided herein.

**"Associate Member"** means a county, city or other public agency which is not a voting member of the Rural County Representatives of California, a California nonprofit corporation ("RCRC"), with legal power and authority similar to that of the Members, admitted pursuant to paragraph 4.d. below to associate membership herein by vote of the Board.

**"Audit Committee"** means a committee made up of the nine-member Executive Committee.

**"Authority"** means California Home Finance Authority ("CHF"), formerly known as CRHMFA Homebuyers Fund or California Rural Home Mortgage Finance Authority.

**"Board"** means the governing board of the Authority as described in Section 7 below.

**"Bonds"** means bonds, notes, warrants, leases, certificates of participation, installment purchase agreements, loan agreements and other securities or obligations issued by the Authority, or financing agreements entered into by the Authority pursuant to the Act and any other obligation within the meaning of the term "Bonds" under the Act.

**"Delegate"** means the Supervisor designated by the governing board of each Member to serve on the Board of the Authority.

**"Executive Committee"** means the nine-member Executive Committee of the Board established pursuant to Section 10 hereof.

**"Member"** means any county which is a member of RCRC, has executed this Agreement and has become a member of the Authority.

**"Obligations"** means bonds, notes, warrants, leases, certificates of participation, installment purchase agreements, loan agreements and other securities or obligations issued by the Authority, or financing agreements entered into by the Authority pursuant to the Act and any other financial or legal obligation of the Authority under the Act.

**"Program" or "Project"** means any work, improvement, program, project or service undertaken by the Authority.

**"Rural County Representatives of California" or "RCRC"** means the nonprofit entity incorporated under that name in the State of California.

**"Supervisor"** means an elected County Supervisor from an RCRC member county.

## 2. Purpose

The purpose of the Authority is to provide financing for the acquisition, construction, , improvement and rehabilitation of real property in accordance with applicable provisions of law for the benefit of residents and communities. In pursuit of this purpose, this Agreement provides for the joint exercise of powers common to any of its Members and Associate Members as provided herein, or otherwise authorized by the Act and other applicable laws, including assisting

in financing as authorized herein, jointly exercised in the manner set forth herein.

**3. Principal Place of Business**

The principal office of the Authority shall be 1215 K Street, Suite 1650, Sacramento, California 95814.

**4. Creation of Authority; Addition of Members or Associate Members**

a. The Authority is hereby created pursuant to the Act. As provided in the Act, the Authority shall be a public entity separate and distinct from the Members or Associate Members.

b. The Authority will cause a notice of this Agreement or any amendment hereto to be prepared and filed with the office of the Secretary of State of California in a timely fashion in the manner set forth in Section 6503.3 of the Act.

c. A county that is a member of RCRC may petition to become a member of the Authority by submitting to the Board a resolution or evidence of other formal action taken by its governing body adopting this Agreement. The Board shall review the petition for membership and shall vote to approve or disapprove the petition. If the petition is approved by a majority of the Board, such county shall immediately become a Member of the Authority.

d. An Associate Member may be added to the Authority upon the affirmative approval of its respective governing board and pursuant to action by the Authority Board upon such terms and conditions, and with such rights, privileges and responsibilities, as may be established from time to time by the Board. Such terms and conditions, and rights, privileges and responsibilities may vary among the Associate Members. Associate Members shall be entitled to participate in one or more programs of the Authority as determined by the Board, but shall not be voting members of the Board. The Executive Director of the Authority shall enforce the terms and conditions for prospective Associate Members to the Authority as provided by resolution of the Board and as amended from time to time by the Board. Changes in the terms and conditions for Associate Membership by the Board will not constitute an amendment of this Agreement.

**5. Term and Termination of Powers**

This Agreement shall become effective from the date hereof until the earlier of the time when all Bonds and any interest thereon shall have been paid in full, or provision for such payment shall have been made, or when the Authority shall no longer own or hold any interest in a public capital improvement or program. The Authority shall continue to exercise the powers herein conferred upon it until termination of this Agreement, except that if any Bonds are issued and delivered, in no event shall the exercise of the powers herein granted be terminated until all Bonds so issued and delivered and the interest thereon shall have been paid or provision for such payment shall have been made and any other debt incurred with respect to any other financing program established or administered by the Authority has been repaid in full and is no longer outstanding.

**6. Powers; Restriction upon Exercise**

a. To effectuate its purpose, the Authority shall have the power to exercise any and all powers of the Members or of a joint powers authority under the Act and other applicable provisions of law, subject, however, to the conditions and restrictions herein contained. Each Member or Associate Member may also separately exercise any and all such powers. The powers of the Authority are limited to those of a general law county.

b. The Authority may adopt, from time to time, such resolutions, guidelines, rules and regulations for the conduct of its meetings and the activities of the Authority as it deems necessary or desirable to accomplish its purpose.

c. The Authority shall have the power to finance the construction, acquisition, improvement and rehabilitation of real property, including the power to purchase, with the amounts received or to be received by it pursuant to a bond purchase agreement, bonds issued by any of its Members or Associate Members and other local agencies at public or negotiated sale, for the purpose set forth herein and in accordance with the Act. All or any part of such bonds so purchased may be held by the Authority or resold to public or private purchasers at public or negotiated sale. The Authority shall set any other terms and conditions of any purchase or sale contemplated herein as it deems necessary or convenient and in furtherance of the Act. The Authority may issue or cause to be issued Bonds or other indebtedness, and pledge any of its property or revenues as security to the extent permitted by resolution of the Board under any applicable provision of law. The Authority may issue Bonds in accordance with the Act in order to raise funds necessary to effectuate its purpose hereunder and may enter into agreements to secure such Bonds. The Authority may issue other forms of indebtedness authorized by the Act, and to secure such debt, to further such purpose. The Authority may utilize other forms of capital, including, but not limited to, the Authority's internal resources, capital markets and other forms of private capital investment authorized by the Act..

d. The Authority is hereby authorized to do all acts necessary for the exercise of its powers, including, but not limited to:

- (1) executing contracts,
- (2) employing agents, consultants and employees,
- (3) acquiring, constructing or providing for maintenance and operation of any building, work or improvement,
- (4) acquiring, holding or disposing of real or personal property wherever located, including property subject to mortgage,
- (5) incurring debts, liabilities or obligations,
- (6) receiving gifts, contributions and donations of property, funds, services and any other forms of assistance from persons, firms, corporations or governmental entities,
- (7) suing and being sued in its own name, and litigating or settling any suits or claims,
- (8) doing any and all things necessary or convenient to the exercise of its specific powers and to accomplishing its purpose
- (9) establishing and/or administering districts to finance and refinance the acquisition, installation and improvement of energy efficiency, water

conservation and renewable energy improvements to or on real property and in buildings. The Authority may enter into one or more agreements, including without limitation, participation agreements and implementation agreements to implement such programs.

e. Subject to the applicable provisions of any indenture or resolution providing for the investment of monies held thereunder, the Authority shall have the power to invest any of its funds as the Board deems advisable, in the same manner and upon the same conditions as local agencies pursuant to Section 53601 of the Government Code of the State of California.

f. All property, equipment, supplies, funds and records of the Authority shall be owned by the Authority, except as may be provided otherwise herein or by resolution of the Board.

g. Pursuant to the provisions of Section 6508.1 of the Act, the debts, liabilities and obligations of the Authority shall not be debts, liabilities and obligations of the Members or Associate Members. Any Bonds, together with any interest and premium thereon, shall not constitute debts, liabilities or obligations of any Member. The Members or Associate Members hereby agree that any such Bonds issued by the Authority shall not constitute general obligations of the Authority but shall be payable solely from the moneys pledged to the repayment of principal or interest on such Bonds under the terms of the resolution, indenture, trust, agreement or other instrument pursuant to which such Bonds are issued. Neither the Members or Associate Members nor the Authority shall be obligated to pay the principal of or premium, if any, or interest on the Bonds, or other costs incidental thereto, except from the revenues and funds pledged therefor, and neither the faith and credit nor the taxing power of the Members or Associate Members or the Authority shall be pledged to the payment of the principal of or premium, if any, or interest on the Bonds, nor shall the Members or Associate Members of the Authority be obligated in any manner to make any appropriation for such payment. No covenant or agreement contained in any Bond shall be deemed to be a covenant or agreement of any Delegate, or any officer, agent or employee of the Authority in an individual capacity, and neither the Board nor any officer thereof executing the Bonds or any document related thereto shall be liable personally on any Bond or be subject to any personal liability or accountability by reason of the issuance of any Bonds.

## **7. Governing Board**

a. The Board shall consist of the number of Delegates equal to one representative from each Member.

b. The governing body of each Member shall appoint one of its Supervisors to serve as a Delegate on the Board. A Member's appointment of its Delegate shall be delivered in writing (which may be by electronic mail) to the Authority and shall be effective until he or she is replaced by such governing body or no longer a Supervisor; any vacancy shall be filled by the governing body of the Member in the same manner provided in this paragraph b..

c. The governing body of each Member of the Board shall appoint a Supervisor as an alternate to serve on the Board in the absence of the Delegate; the alternate may exercise all the

rights and privileges of the Delegate, including the right to be counted in constituting a quorum, to participate in the proceedings of the Board, and to vote upon any and all matters. No alternate may have more than one vote at any meeting of the Board, and any Member's designation of an alternate shall be delivered in writing (which may be by electronic mail) to the Authority and shall be effective until such alternate is replaced by his or her governing body or is no longer a Supervisor, unless otherwise specified in such appointment. Any vacancy shall be filled by the governing body of the Member in the same manner provided in this paragraph c..

d. Any person who is not a member of the governing body of a Member and who attends a meeting on behalf of such Member may not vote or be counted toward a quorum but may, at the discretion of the Chair, participate in open meetings he or she attends.

e. Each Associate Member may designate a non-voting representative to the Board who may not be counted toward a quorum but who may attend open meetings, propose agenda items and otherwise participate in Board Meetings.

f. Delegates shall not receive compensation for serving as Delegates, but may claim and receive reimbursement for expenses actually incurred in connection with such service pursuant to rules approved by the Board and subject to the availability of funds.

g. The Board shall have the power, by resolution, to the extent permitted by the Act or any other applicable law, to exercise any powers of the Authority and to delegate any of its functions to the Executive Committee or one or more Delegates, officers or agents of the Authority, and to cause any authorized Delegate, officer or agent to take any actions and execute any documents for and in the name and on behalf of the Board or the Authority.

h. The Board may establish such committees as it deems necessary for any lawful purpose; such committees are advisory only and may not act or purport to act on behalf of the Board or the Authority.

i. The Board shall develop, or cause to be developed, and review, modify as necessary, and adopt each Program.

## **8. Meetings of the Board**

a. The Board shall meet at least once annually, but may meet more frequently upon call of any officer or as provided by resolution of the Board.

b. Meetings of the Board shall be called, noticed, held and conducted pursuant to the provisions of the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part I of Division 2 of Title 5 of the Government Code of the State of California.

c. The Secretary of the Authority shall cause minutes of all meetings of the Board to be taken and distributed to each Member as soon as possible after each meeting.

d. The lesser of twelve (12) Delegates or a majority of the number of current Delegates shall constitute a quorum for transacting business at any meeting of the Board, except

that less than a quorum may act to adjourn a meeting. Each Delegate shall have one vote.

e. Meetings may be held at any location designated in notice properly given for a meeting and may be conducted by telephonic or similar means in any manner otherwise allowed by law.

## 9. Officers; Duties; Official Bonds

a. The Board shall elect a chair and vice chair from among the Delegates at the Board's annual meeting who shall serve a term of one (1) year or until their respective successor is elected. The chair shall conduct the meetings of the Board and perform such other duties as may be specified by resolution of the Board. The vice chair shall perform such duties in the absence or in the event of the unavailability of the chair.

b. The Board shall contract annually with RCRC to administer the Agreement and to provide administrative services to the Authority, and the President and Chief Executive Officer of RCRC shall serve *ex officio* as Executive Director, Secretary, Treasurer, and Auditor of the Authority. As chief executive of the Authority, the Executive Director is authorized to execute contracts and other obligations of the Authority, unless prior Board approval is required by a third party, by law or by Board specification, and to perform other duties specified by the Board. The Executive Director may appoint such other officers as may be required for the orderly conduct of the Authority's business and affairs who shall serve at the pleasure of the Executive Director. Subject to the applicable provisions of any indenture or resolution providing for a trustee or other fiscal agent, the Executive Director, as Treasurer, is designated as the custodian of the Authority's funds, from whatever source, and, as such, shall have the powers, duties and responsibilities specified in Section 6505.5 of the Act. The Executive Director, as Auditor, shall have the powers, duties and responsibilities specified in Section 6505.5 of the Act.

c. The Legislative Advocate for the Authority shall be the Rural County Representatives of California.

d. The Treasurer and Auditor are public officers who have charge of, handle, or have access to all property of the Authority, and a bond for such officer in the amount of at least one hundred thousand dollars (\$100,000.00) shall be obtained at the expense of the Authority and filed with the Executive Director. Such bond may secure the faithful performance of such officer's duties with respect to another public office if such bond in at least the same amount specifically mentions the office of the Authority as required herein. The Treasurer and Auditor shall cause periodic independent audits to be made of the Authority's books by a certified public accountant, or public accountant, in compliance with Section 6505 of the Act.

e. The business of the Authority shall be conducted under the supervision of the Executive Director by RCRC personnel.

## 10. Executive Committee of the Authority

a. Composition

The Authority shall appoint nine (9) members of its Board to serve on an Executive Committee.

b. Powers and Limitations

The Executive Committee shall act in an advisory capacity and make recommendations to the Authority Board. Duties will include, but not be limited to, review of the quarterly and annual budgets, service as the Audit Committee for the Authority, periodically review this Agreement; and complete any other tasks as may be assigned by the Board. The Executive Committee shall be subject to all limitations imposed by this Agreement, other applicable law, and resolutions of the Board.

c. Quorum

A majority of the Executive Committee shall constitute a quorum for transacting business of the Executive Committee.

**11. Disposition of Assets**

Upon termination of this Agreement, all remaining assets and liabilities of the Authority shall be distributed to the respective Members in such manner as shall be determined by the Board and in accordance with the law.

**12. Agreement Not Exclusive; Operation in Jurisdiction of Member**

This Agreement shall not be exclusive, and each Member expressly reserves its rights to carry out other public capital improvements and programs as provided for by law and to issue other obligations for those purposes. This Agreement shall not be deemed to amend or alter the terms of other agreements among the Members or Associate Members.

**13. Conflict of Interest Code**

The Authority shall by resolution adopt a Conflict of Interest Code as required by law.

**14. Contributions and Advances**

Contributions or advances of public funds and of personnel, equipment or property may be made to the Authority by any Member, Associate Member or any other public agency to further the purpose of this Agreement. Payment of public funds may be made to defray the cost of any contribution. Any advance may be made subject to repayment, and in that case shall be repaid in the manner agreed upon by the advancing Member, Associate Member or other public agency and the Authority at the time of making the advance.

**15. Fiscal Year; Accounts; Reports; Annual Budget; Administrative Expenses**

a. The fiscal year of the Authority shall be the period from January 1 of each year to and including the following December 31, except for any partial fiscal year resulting from a change

in accounting based on a different fiscal year previously.

b. Prior to the beginning of each fiscal year, the Board shall adopt a budget for the succeeding fiscal year.

c. The Authority shall establish and maintain such funds and accounts as may be required by generally accepted accounting principles. The books and records of the Authority are public records and shall be open to inspection at all reasonable times by each Member and its representatives.

d. The Auditor shall either make, or contract with a certified public accountant or public accountant to make, an annual audit of the accounts and records of the Authority. The minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California, and shall conform to generally accepted auditing standards. When an audit of accounts and records is made by a certified public accountant or public accountant, a report thereof shall be filed as a public record with each Member (and also with the auditor of Sacramento County as the county in which the Authority's office is located) within 12 months after the end of the fiscal year.

e. In any year in which the annual budget of the Authority does not exceed five thousand dollars (\$5,000.00), the Board may, upon unanimous approval of the Board, replace the annual audit with an ensuing one-year period, but in no event for a period longer than two fiscal years.

#### **16. Duties of Members or Associate Members; Breach**

If any Member or Associate Member shall default in performing any covenant contained herein, such default shall not excuse that Member or Associate Member from fulfilling its other obligations hereunder, and such defaulting Member or Associate Member shall remain liable for the performance of all covenants hereof. Each Member or Associate Member hereby declares that this Agreement is entered into for the benefit of the Authority created hereby, and each Member or Associate Member hereby grants to the Authority the right to enforce, by whatever lawful means the Authority deems appropriate, all of the obligations of each of the parties hereunder. Each and all of the remedies given to the Authority hereunder or by any law now or hereafter enacted are cumulative, and the exercise of one right or remedy shall not impair the right of the Authority to any or all other remedies.

#### **17. Indemnification**

To the full extent permitted by law, the Board may authorize indemnification by the Authority of any person who is or was a Board Delegate, alternate, officer, consultant, employee or other agent of the Authority, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a Delegate, alternate, officer, consultant, employee or other agent of the Authority. Such indemnification may be made against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the Authority and, in the case of a criminal

proceeding, had no reasonable cause to believe his or her conduct was unlawful and, in the case of an action by or in the right of the Authority, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

## **18. Immunities**

All of the privileges and immunities from liabilities, exemptions from law, ordinances and rules, all pension, relief, disability, workers' compensation and other benefits which apply to the activity of officers, agents or employees of any of the Members or Associate Members when performing their respective functions, shall apply to them to the same degree and extent while engaged as Delegates or otherwise as an officer, agent or other representative of the Authority or while engaged in the performance of any of their functions or duties under the provisions of this Agreement.

## **19. Amendment**

This Agreement may be amended by the adoption of the amendment by the governing bodies of a majority of the Members. The amendment shall become effective on the first day of the month following the last required member agency approval. An amendment may be initiated by the Board, upon approval by a majority of the Board. Any proposed amendment, including the text of the proposed change, shall be given by the Board to each Member's Delegate for presentation and action by each Member's board within 60 days, which time may be extended by the Board.

The list of Members, Attachment 1, may be updated to reflect new and/or withdrawn Members without requiring formal amendment of the Agreement by the Authority Board of Directors.

## **20. Withdrawal of Member or Associate Member**

If a Member withdraws as member of RCRC, its membership in the Authority shall automatically terminate. A Member or Associate Member may withdraw from this Agreement upon written notice to the Board; provided however, that no such withdrawal shall result in the dissolution of the Authority as long as any Bonds or other obligations of the Authority remain outstanding. Any such withdrawal shall become effective thirty (30) days after a resolution adopted by the Member's governing body which authorizes withdrawal is received by the Authority. Notwithstanding the foregoing, any termination of membership or withdrawal from the Authority shall not operate to relieve any terminated or withdrawing Member or Associate Member from Obligations incurred by such terminated or withdrawing Member or Associate Member prior to the time of its termination or withdrawal.

## **20. Miscellaneous**

a. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

b. **Construction.** The section headings herein are for convenience only and are not to

be construed as modifying or governing the language in the section referred to.

c. **Approvals.** Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

d. **Jurisdiction; Venue.** This Agreement is made in the State of California, under the Constitution and laws of such State and is to be so construed; any action to enforce or interpret its terms shall be brought in Sacramento County, California.

e. **Integration.** This Agreement is the complete and exclusive statement of the agreement among the parties hereto, and it supersedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the parties relating to the subject matter of this Agreement.

f. **Successors; Assignment.** This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no Member may assign any right or obligation hereunder without the consent of the Board.

g. **Severability.** Should any part, term or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, terms or provisions hereof shall not be affected thereby.

The parties hereto have caused this Agreement to be executed and attested by their properly authorized officers.

AS ADOPTED BY THE MEMBERS:

Originally dated July 1, 1993  
Amended and restated December 10, 1998  
Amended and restated February 18, 1999  
Amended and restated September 18, 2002  
Amended and restated January 28, 2004  
Amended and restated December 10, 2014

[SIGNATURES ON FOLLOWING PAGES]

SIGNATURE PAGE FOR NEW ASSOCIATE MEMBERS

NAME OF COUNTY OR CITY:

CITY OF UPLAND

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Name: Rod B. Butler

Title: City Manager

Attest:

By \_\_\_\_\_  
[Clerk of the Board Supervisors or City Clerk]

**AFTER EXECUTION, PLEASE SEND TO:**

Golden State Finance Authority  
(formerly California Home Finance Authority)  
1215 K Street, Suite 1650  
Sacramento, CA 95814

**ATTACHMENT 1**  
**CALIFORNIA HOME FINANCE AUTHORITY MEMBERS**

**As of December 10, 2014**

Alpine County  
Amador County  
Butte County  
Calaveras County  
Colusa County  
Del Norte County  
El Dorado County  
Glenn County  
Humboldt County  
Imperial County  
Inyo County  
Lake County  
Lassen County  
Madera County  
Mariposa County  
Mendocino County  
Merced County  
Modoc County  
Mono County  
Napa County  
Nevada County  
Placer County  
Plumas County  
San Benito County  
Shasta County  
Sierra County  
Siskiyou County  
Sutter County  
Tehama County  
Trinity County  
Tuolumne County  
Yolo County  
Yuba County



**FACT SHEET**

**Identity** Golden State Finance Authority (GSFA), is a joint powers authority and a duly constituted public entity and agency, existing under and by virtue of Articles 1 through 4 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California.

Golden State Finance Authority (GSFA) was formerly known as California Rural Home Mortgage Finance Authority or CRHMFA Homebuyers Fund, (CHF). A formal name change is pending.

**Founded** 1993

**Headquarters** Sacramento, California

**Joint Powers Authority (JPA)**

**Membership**

**Member Counties (33)**

Alpine County	Lake County	Plumas County
Amador County	Lassen County	San Benito County
Butte County	Madera County	Shasta County
Calaveras County	Mariposa County	Sierra County
Colusa County	Mendocino County	Siskiyou County
Del Norte County	Merced County	Sutter County
El Dorado County	Modoc County	Tehama County
Glenn County	Mono County	Trinity County
Humboldt County	Napa County	Tuolumne County
Imperial County	Nevada County	Yolo County
Inyo County	Placer County	Yuba County

**Associate Member Counties (21)**

Alameda County	Sacramento County	Solano County
Contra Costa County	San Bernardino County	Sonoma County
Fresno County	San Diego County	Stanislaus County
Kern County	San Francisco County	Tulare County
Kings County	San Joaquin County	Ventura County
Monterey County	San Luis Obispo County	Independent Cities
Orange County	San Mateo County	Finance Authority
Riverside County	Santa Cruz County	(ICFA)

**Associate Member Cities (2)**

Palmdale (Los Angeles County)	San Jose (Santa Clara County)
-------------------------------	-------------------------------

<b>Mission</b>	To provide a source of financing for individuals and families without resources to purchase a home or make energy efficiency improvements.
<b>What We Do</b>	<p>Offer a variety of affordable housing programs, including but not limited to mortgage loan programs with low down payment requirements and competitive interest rates, down payment assistance in the form of grants or second mortgages, mortgage credit certificate tax credit programs for homebuyers, and competitive financing options for energy efficiency improvement projects.</p> <p>Programs are available within GSFA Member and Associate Member regions, as well as statewide, depending on the individual program.</p>
<b>Californian's Served</b>	Over the past 20 years GSFA has helped more than 47,300 individuals and families purchase homes and 1,275 homeowners make energy efficiency home upgrades.
<b>Market Leadership</b>	<p>From January 1993 to the present, GSFA has:</p> <ul style="list-style-type: none"> <li>• Assisted 47,300 individuals and families to purchase homes in California;</li> <li>• Provided \$57.6 million in down payment assistance grants;</li> <li>• Participated in over \$6.7 billion in loan financing of first and second mortgages;</li> <li>• Issued over \$2.7 billion in tax exempt and taxable mortgage revenue bonds; and</li> <li>• Helped 1,275 homeowners energy upgrade their residential property(ies).</li> </ul>

## California's Leading PACE Program

Ygrene Energy Fund and the Golden State Finance Authority\* have joined together to make the Ygrene Works PACE program available to every city and county in California with a simple, one-step, opt-in process. Your community can now have access to the best PACE financing program available. Help your constituents improve their properties and begin saving money right away while creating local jobs, generating economic growth and achieving your environmental targets.

### PROGRAM ACTIVATION IN 3 EASY STEPS



**STEP 1**  
Put Ygrene Works on Your Next Agenda

**STEP 2**  
Pass a Resolution Activating the Program

**STEP 3**  
Launch Ygrene Works

Watch as Your Community Saves Energy and \$\$\$

Even if your community already has a PACE program, adding Ygrene Works will ensure that property owners have access to the lowest financing rates and fees in the industry.

\*Golden State Financing Authority (GSFA), a joint powers authority (JPA) formerly known as California Home Finance Authority of CRHMFA Homebuyers Fund (CHF), has partnered with Ygrene Energy Fund to make low cost PACE financing immediately available to all California property owners for energy efficiency, water efficiency and conservation, and renewable energy improvements to their homes and businesses.



**Q: What is Ygrene Works and how does it benefit my community?**

A: Ygrene Works allows your city or county to bring best-in-class PACE financing to its constituents by providing 100 percent, no money down, tax-deductible project funding with the lowest rates and fees to residential, commercial, and agricultural property owners.

**Q: What is PACE financing?**

A: PACE (Property Assessed Clean Energy) lets owners of all types of properties finance a wide range of energy or water conserving improvements and renewable energy generation systems. Because payments are made through property taxes, PACE participants enjoy long financing terms, reasonable rates and quick approvals.

**Q: Why should my city or county join the Ygrene Works program?**

A: By offering Ygrene Works to your constituency, you make available the most flexible and affordable PACE program in California. Your community will benefit from the jobs created, the increased economic activity, reduced energy and water use and from achieving your community's sustainability goals. Joining Ygrene Works is simple, with no costs, very little staff time and no legal or financial risks.

**Q: What is the process for my community to join the Ygrene Works program?**

A: Joining Ygrene Works is fast and simple. The resolution(s) necessary to opt-in to the program can be approved at a single meeting of your City Council or Board of Supervisors. GSFA and Ygrene will provide samples of all required documents including the staff report and resolutions. Call 707-236-6608 to speak with a Ygrene Works advisor who will walk you through the process.

## YOUR CONSTITUENTS CAN CHOOSE FROM THOUSANDS OF ELIGIBLE IMPROVEMENTS



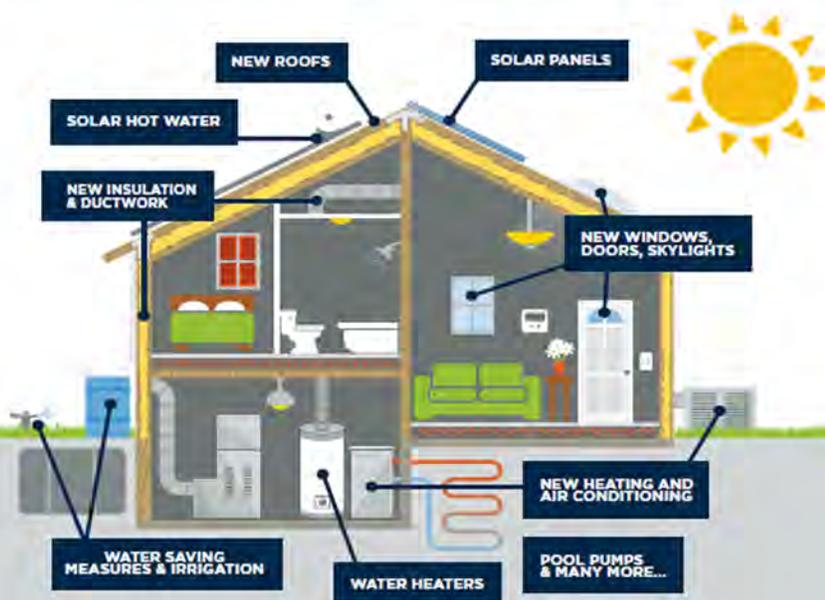
ENERGY EFFICIENCY



RENEWABLE ENERGY



WATER CONSERVATION



AS SEEN IN:

The New York Times The Miami Herald WALL STREET JOURNAL Forbes



## RENEWABLE ENERGY

- Photovoltaic systems (electricity)
  - Solar Inverters
  - Solar Panels
- Solar thermal hot-water systems
- Solar thermal systems for pool heating

*Solar PV systems can reduce your electricity bills by up to 80%, saving you money and enabling you to produce your own energy from a clean, sustainable source.*

## WATER CONSERVATION

- Artificial turf
- Cooling-condensate reuse
- Cooling-tower conductivity controllers
- Core-plumbing system
- Deionization
- Demand initiated hot-water system
- Demand water softener
- Drill/Drip Irrigation
- Faucet aerators
- Filter upgrades
- Foundation drain water
- Grey-water system
- High efficiency toilets
- Hot-water pipe insulation
- Industrial-process water-use reduction
- Instantaneous hot-water heater
- Irrigation-control system
- Irrigation system
- Low-flow showerhead
- Low-flow plumbing
- Pre-rinse spray valves
- Rainwater cistern
- Recirculation hot-water system
- Recycled water source
- Urinals
- Waterless urinals
- Whole-house water-manifold system

Replacing your aging or leaky roof with a cool roof that reflects the sun's heat is a long-term improvement that can last 20 or more years. Cool roofs save you money by reducing your air conditioning demands in warmer weather.

Upgrading your home's toilets, plumbing fixtures and irrigation systems can reduce your water consumption by 50,000 gallons annually.

By heating only the hot water you need when you need it, demand initiated, or tankless, hot water heaters are 25-35% more efficient than conventional systems.

## ENERGY EFFICIENCY

- Additional building openings for natural light
- Air filtration
- Air sealing and ventilation
- Attic, floor, walls, roof replacement, ducts
- Awning/Shading
- Bathroom, ceiling, attic, and whole-house fans
- Building envelope
- Classroom lighting
- Defect correction
- Evaporative coolers
- Geothermal exchange heat pumps
- HVAC systems
- Insulation
- Kitchen exhaust variable air-volume controls
- Lighting (fixture retrofits only) / LED
- Natural gas storage water heater
- Occupancy-sensor lighting fixtures
- Pool equipment
- Reflective insulation or radiant barriers
- Refrigerator case LED lighting
- Sealing & duct leakage
- Skylights
- SMART parking-garage bi-level fixtures
- SMART parking-lot bi-level fixture
- SMART pathway lighting
- SMART wall-pack fixtures
- Solar tubes
- Solar water heater system
- Sunrooms
- Tankless water heater
- Task ambient office lighting
- Weather stripping
- Window filming
- Windows and glass doors
- Wireless daylight-lighting controls
- Wireless HVAC controls & fault detection

## ELIGIBILITY REQUIREMENTS

10% Equity in the Property

Current on Mortgage Payments for Past 12 Months

Current on Property Taxes for Past 12 Months

Not Currently in Bankruptcy

Minimum Finance Amount of \$2,500

## CUSTOM MEASURES

- Building energy-management controls
- Co-generation (heat and energy)
- Emerging technologies
- Fuel cells
- HVAC duct zoning-control systems
- Hydrogen fuel
- Industrial equipment, motors and controls
- Irrigation pumps and controls
- Lighting controls
- Natural gas
- Other fuel sources
- Wind-turbine power system



# STAFF REPORT

ITEM NO. 10.G

**DATE:** MAY 26, 2015  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** ROD BUTLER, CITY MANAGER  
**PREPARED BY:** ROSEMARY HOERNING, PUBLIC WORKS DIRECTOR  
HARRISON NGUYEN, ENVIRONMENTAL QUALITY ADMINISTRATOR  
ROBERT HERBSTER, ASSISTANT ENGINEER  
**SUBJECT:** SEWER SERVICE AGREEMENT FOR 2360 N MOUNTAIN AVENUE  
(SSA-2015-04-20)

## RECOMMENDED ACTION

It is recommended that the City Council authorize the City Manager to execute the Sewer Service Agreement.

## GOAL STATEMENT

The proposed action supports the City's goal of providing sewer services to the county unincorporated area within the City's sphere of influence.

## BACKGROUND

On June 13, 1989, a Memorandum of Agreement was entered into between the City and the County of San Bernardino concerning the conveyance, treatment, and disposal of wastewater from the County unincorporated areas within the City's sphere of influence.

Pursuant to State Law, Local Agency Formation Commission (LAFCO) must approve the connection of parcels within the county areas to the City's sewage or water system, and review City contracts for service outside City boundaries.

In December 1998, the City established a policy relating to the connection of County unincorporated areas to the City sewer system. In the interest of groundwater supply protection, the City prefers to allow extension of sewer services to new developments in lieu of the use of septic tanks.

## ISSUES/ANALYSIS

Timothy and Nancy Moore have applied for a permit to connect their property to the public sewers on Mountain Avenue. The application for extension of sewer service by contract was submitted to LAFCO. On April 28, 2015, LAFCO granted statutory exemption of the service contract from environmental review and approved the service extension agreement.

The proposed agreement allows the owners to connect sewer facilities from their existing single-family residential building to the City sewer system on Mountain Avenue. The City will collect all

fees applicable to the discharge of the proposed developments wastewater to the City sewers and its conveyance to the regional treatment plants for disposal.

**FISCAL IMPACTS**

The cost of the sewer installation will be borne by the property owner.

**ALTERNATIVES**

Provide alternative direction to staff.

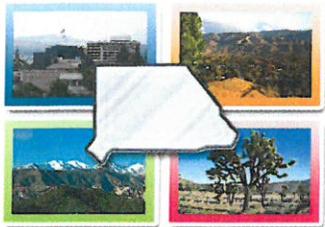
**ATTACHMENTS:**

[LAFCO Agreement](#)

[Sewer Service Agreement](#)

[Location Map](#)

177141527  
Yes. Review



# LAFCO

## Local Agency Formation Commission for San Bernardino County

215 North "D" Street, Suite 204  
San Bernardino, CA 92415-0490  
909.383.9900 | Fax 909.383.9901  
E-mail: lafco@lafco.sbcounty.gov  
www.sbciafco.org

Established by the State of California  
to serve the Citizens, Cities, Special Districts  
and the County of San Bernardino

### COMMISSIONERS

JIM BAGLEY  
Public Member

KIMBERLY COX, Vice Chair  
Special District

JAMES V. CURATALO, Chair  
Special District

ROBERT A. LOVINGOOD  
Board of Supervisors

LARRY McCALLON  
City Member

JAMES RAMOS  
Board of Supervisors

DIANE WILLIAMS  
City Member

### ALTERNATES

STEVEN FARRELL  
Special District

JANICE RUTHERFORD  
Board of Supervisors

SUNIL SETHI  
Public Member

ACQUANETTA WARREN  
City Member

### STAFF

KATHLEEN ROLLINGS-McDONALD  
Executive Officer

SAMUEL MARTINEZ  
Assistant Executive Officer

MICHAEL TUERPE  
Project Manager

REBECCA LOWERY  
Clerk to the Commission

### LEGAL COUNSEL

CLARK H. ALSOP

Sent Via Fax (909) 291-2974 and Mail

April 28, 2015

Rod Butler, City Manager  
City of Upland  
P.O. Box 460  
Upland, CA 91785

Dear Mr. Butler:

RE: City of Upland Sewer Service Agreement No. 2015-04-20

LAFCO has received the proposed out-of-agency service agreement for sewer service from the City of Upland. The area to be served is located at 2360 N. Mountain Avenue (APN 1003-552-08) in the City of Upland's northern sphere of influence, commonly known as "San Antonio Heights". The application submitted is determined to be complete and has been assigned the following identification number: LAFCO SC#394.

Pursuant to the provisions within Government Code Section 56133 and policies adopted by the Local Agency Formation Commission, our review of the application submitted by the City of Upland shows that an administrative approval by the Executive Officer can be provided. The determinations related to the agreement are:

1. The agreement meets the criteria outlined within the Commission's guidelines for processing of out-of-agency contracts in response to health and safety concerns. The agreement proposes to provide sewer service to the parcel comprising 1.76+/- acres located at the southeast corner of W. Sunset Curve and Mountain Avenue (2360 N. Mountain Avenue), an existing single-family residence.
2. The agreement has been determined to be categorically exempt from environmental review. It has been determined that the agreement falls under the Class 3 Categorical Exemption, Section 15303(d) of the California Environmental Quality Act Guidelines as it relates to the connection of an existing structure to existing infrastructure. A Notice of Exemption has been filed.
3. The area to be served by agreement is within the sphere of influence assigned the City of Upland. The signing of the agreement anticipates that a future change of organization will take place in compliance with State law and Commission policy.

RECEIVED  
MAY 08 2015  
CITY MANAGER'S OFFICE

4. The area to be served is contiguous to existing City boundaries to the west along Mountain Avenue, and is thereby capable of being annexed. This service agreement has been submitted in compliance with the Memorandum of Understanding between the County of San Bernardino and the City of Upland related to sewer service provision within the area known as San Antonio Heights.
5. The LAFCO filing fee of \$500 for this review has been paid.

In keeping with the determinations outlined above, the City of Upland is hereby authorized to proceed to provide the requested sewer service through final action on the service agreement.

Should you have questions concerning this correspondence, please do not hesitate to contact our office at the number listed above.

Sincerely,



KATHLEEN ROLLINGS-McDONALD  
Executive Officer

KRM:sm  
Encs.

cc: Robert Herbster, Assistant Engineer, City of Upland, w/encs.  
Timothy and Nancy Moore, property owners



State of California—Natural Resources Agency  
 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
**2015 ENVIRONMENTAL FILING FEE CASH RECEIPT**

LAFCO SC # 394

RECEIPT# 36-2015-278
STATE CLEARING HOUSE # (If applicable) N/A

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY Local Agency Formation Commission	DATE 04/28/2015
COUNTY/STATE AGENCY OF FILING San Bernardino	DOCUMENT NUMBER N/A

PROJECT TITLE  
LAFCO SC#394-City of Upland Sewer Service Agreement No. 2015-04-20

PROJECT APPLICANT NAME City of Upland	PHONE NUMBER ( 909 ) 383-9900
--	----------------------------------

PROJECT APPLICANT ADDRESS 215 North "D" Street, Suite 204	CITY San Bernardino	STATE CA	ZIP CODE 92415-0490
--	------------------------	-------------	------------------------

PROJECT APPLICANT (Check appropriate box):

- Local Public Agency   
  School District   
  Other Special District   
  State Agency   
  Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,069.75	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,210.00	\$	0.00
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board only)	\$850.00	\$	0.00
<input type="checkbox"/> Projects Subject to Certified Regulatory Programs (CRP)	\$1,043.75	\$	0.00
<input checked="" type="checkbox"/> County Administrative Fee	\$50.00	\$	50.00
<input checked="" type="checkbox"/> Project that is exempt from fees			
<input checked="" type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Other _____		\$	_____

PAYMENT METHOD:

- Cash   
  Credit   
  Check   
  Other TOF   
 TOTAL RECEIVED \$ \_\_\_\_\_ 50.00

SIGNATURE <i>x Melissa Crowell</i>	PRINTED NAME AND TITLE Melissa Crowell, Deputy Clerk
---------------------------------------	---

DATE FILED & POSTED

Posted On: 4/28/15

Removed On: 6/10/15

Receipt No: 36-2015-278

LOCAL AGENCY FORMATION COMMISSION  
COUNTY OF SAN BERNARDINO

NOTICE OF EXEMPTION  
CALIFORNIA ENVIRONMENTAL QUALITY ACT

LAFCO SC # 394

**TO:**  
Clerk of the Board of Supervisors  
County Government Center, 2<sup>nd</sup> Floor  
385 North Arrowhead Avenue  
San Bernardino, CA 92415-0130

**FROM:**  
Local Agency Formation Commission  
215 North "D" Street, Suite 204  
San Bernardino, CA 92415-0490

**PROJECT TITLE:** LAFCO SC#394-- City of Upland Sewer Service Agreement No. 2015-04-20

**PROJECT LOCATION:** An existing single-family residence located at the southeast corner of W. Sunset Curve and Mountain Avenue (2360 N. Mountain Avenue), within the northern sphere of influence of the City of Upland, commonly known as "San Antonio Heights", County of San Bernardino.

**DESCRIPTION:** Approval of a service extension agreement submitted by the City of Upland to provide sewer service to the parcel identified in the project location (APN 1003-552-08).

\*\*\*\*\*

**PUBLIC AGENCY APPROVING THE PROJECT:** Local Agency Formation Commission

**AGENCY CARRYING OUT THE PROJECT:** City of Upland

**EXEMPT STATUS AND REASONS:** The Executive Officer of the Local Agency Formation Commission has determined that the approval of LAFCO SC#394 is categorically exempt from environmental review. The Executive Officer determines that approval of the service extension agreement falls under the Class 3 Categorical Exemption, Section 15303(d) of the State California Environmental Quality Act Guidelines, as the agreement relates to the connection of an existing structure to existing infrastructure. Therefore, this proposal is not subject to environmental review under the provisions of the State CEQA Guidelines section cited above or the Commission's adopted CEQA Guidelines.

**CONTACT PERSON:** Local Agency Formation Commission Staff  
Phone: (909) 383-9900

**DATE:** April 28, 2015

  
\_\_\_\_\_  
KATHLEEN ROLLINGS-MCDONALD  
Executive Officer

cc: Robert Herbster, Assistant Engineer, City of Upland

## SEWER SERVICE AGREEMENT

No. 2015-4-20

THIS AGREEMENT, is entered into this \_\_\_\_ day of \_\_\_\_\_, 2015; by and between Timothy and Nancy Moore, hereinafter referred to as "OWNER", and the City of Upland, a municipal corporation, hereafter referred to as "CITY".

### WITNESSETH:

WHEREAS, OWNER holds title to the parcels of real property presently located in unincorporated areas of the County of San Bernardino, and the parcels are further described by legal description and San Bernardino County Assessor's Parcel Number 1003-552-08-0000. The subject real property shall be referenced hereafter as the "Land";

WHEREAS, the Land is within the Sphere of Influence of the CITY; and

WHEREAS, the City of Upland and the County of San Bernardino entered into a Memorandum of Understanding on June 13, 1989, allowing the City of Upland to provide sewer service to the county unincorporated area to those requesting it; and

WHEREAS, OWNER desires to obtain sewer service for the Land; and

WHEREAS, sewer service could be provided to said parcels by connecting to the CITY's sewage system, said system otherwise being available only to properties with the City of Upland corporate limits; and

WHEREAS, CITY's sewage system and the regional wastewater treatment plants have sufficient capacity to convey and treat the sewage generated by the Land;

WHEREAS, CITY is willing to allow connection of the Land to its sewage system, due to the fact that the Land is within CITY's Sphere of Influence; and

WHEREAS, the covenants and conditions set forth herein shall create a binding covenant running with the land upon the Land, and shall be fully binding upon OWNER's heirs, successors and assigns.

NOW, THEREFORE, the parties hereto agree as follows:

#### SECTION I: **OWNER Agrees:**

1. To construct, at their own cost and expense, the sewer main extensions and appurtenances thereto, connecting their development to the CITY's sewer system.

2. To pay all fees and charges and make all deposits required by CITY to connect to and use the sewer, and further agrees to be bound by all CITY ordinances, rules and regulations respecting the sewage system. The service charge for the sewer users subject to this agreement is anticipated to be 1.5 times the normal rate or fees paid by users within the city limits. The additional monies are required to offset additional costs to provide the services outside of the CITY's corporate boundary.

3. To comply with Section 13.32.140, "General Restrictions and Prohibitions on the Use of the Community Sewers" of the Upland Municipal Code, relating to the discharge of materials into CITY's sewage system, and all other applicable County, State, Federal or district regulations applicable to discharges.

4. To make application to the Local Agency Formation Commission (LAFCO) and pay all applicable fees, for approval to connect to CITY's sewage system, pursuant to Section 56133 of the Government Code.

5. To make application to the County of San Bernardino for Road Excavation Permits as applicable and comply with all permit conditions under which the connection shall be made.

6. To make application to CITY for a Sewer Connection Permit and comply with the permit terms and conditions under which the connection shall be made and maintained.

7. That no connection to the CITY system shall occur until all the requirements of this Agreement, including the actions of third parties have been fully completed.

**SECTION II: CITY Agrees:**

1. To allow the Land to connect to the CITY's sewage system subject to payment of all applicable fees and permits, and further subject to satisfaction of the terms and conditions of this Agreement.

**SECTION III: Be it Mutually Agreed, as follows:**

a. City Clerk for CITY shall record the Agreement with the County Recorder.

b. The benefit to the Land will inure to the benefit of subsequent owners, their heirs, successors, and assigns, and the agreements, conditions, and covenants contained herein shall be binding upon them and run with the land.

c. The approval granted to connect said Land to CITY's sewage system is contingent upon OWNER securing final, unappealable approval from the Local Agency Formation Commission.

d. Indemnification: OWNER shall defend indemnify and save harmless CITY, its elected and appointed officials, officers, agents and employees, from all liability from loss, damage or injury to persons or property, including the payment by OWNER of any and all legal costs and attorney's fees, in any manner arising out of the acts and/or omissions of OWNER pursuant to this Agreement, including, but not limited to, all consequential damages, to the maximum extent permitted by law.

e. Assignment: No assignment of this Agreement or of any part or obligation of performance hereunder shall be made, either in whole or in part by OWNER without the prior written consent of the CITY.

f. Independent OWNER: The parties hereto agree that OWNER and its employees, officers and agents are independent OWNERS under this Agreement and shall not be construed for any purpose to be employees of CITY.

g. Governing Law: This Agreement shall be governed by and construed in accordance with the laws of the State of California.

h. Attorney's Fees: In the event any legal proceeding is instituted to enforce any term or provision of the Agreement, the prevailing party in said legal proceeding shall be entitled to recover attorney's fees and costs from the opposing party in an amount determined by the court to be reasonable.

i. Entire Agreement: This Agreement supersedes any and all other agreements, either oral or in writing, between the parties with respect to the subject matter herein. Each party to this Agreement acknowledges that no representation by any party, which is not embodied herein, nor any other agreement, statement, or promise not contained in the Agreement shall be valid and binding. Any modification of this Agreement shall be effective only if it is in writing signed by all parties.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their respective officials thereunto duly authorized.

OWNER  
By: Timothy A. Moore  
Timothy Moore, Owner

By: Nancy Moore  
Nancy Moore, Owner

CITY OF UPLAND

By: \_\_\_\_\_  
Rod Butler, City Manager for  
Ray M. Musser, Mayor

ATTEST:

\_\_\_\_\_  
Stephanie A. Mendenhall  
City Clerk

2360 N Mountain Ave

APN: 1003-552-08

Upland

San Antonio Heights





# STAFF REPORT

ITEM NO. 11.A

**DATE:** MAY 26, 2015  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** ROD B. BUTLER, CITY MANAGER  
**PREPARED BY:** JEFF ZWACK, DEVELOPMENT SERVICES DIRECTOR  
SHELDON BLOOMFIELD, WEED ABATEMENT COORDINATOR  
**SUBJECT:** ANNUAL WEED ABATEMENT PROGRAM

## RECOMMENDED ACTION

It is recommended that the City Council approve the placement of a \$204.00 lien for administrative costs on each parcel notified of a public nuisance that failed to take corrective action.

## GOAL STATEMENT

The proposed action supports the City's goal to promote and enhance the quality of life in Upland by removing the potential for any fire hazards, or public nuisance that may exist from extensive weed overgrowth, trash and rubbish accumulations on private and public property.

## BACKGROUND

The City has been conducting weed abatement services for over three decades. Recognizing that excessive weed growth and trash accumulation can create a public nuisance, the Weed Abatement Program is used to eliminate likely fire hazards and public health issues. The program contains the following components: Public Information, inspections and notification of violation, and if necessary mandatory abatements. Each February, an announcement is included in the City's utility statements advising of the start of the program and to ensure that property owners are aware of how important it is to maintain their property free of weeds and to prevent excessive trash accumulations. The notice is included as Exhibit 1 of this report. Staff conducts an inspection of all properties within the City's boundaries. Typically, inspections are done between February and the middle of April each year. This initial inspection identifies properties with an excessive accumulation of weeds, rubbish, debris or trash. A "Notice to Destroy Weeds - Remove Rubbish" is then sent to all property owners of record in violation allowing them ten (10) days to eliminate the problem. The notice describes the specific conditions of the property, identifies violations and orders abatement. A final inspection is conducted and those properties still in violation are assessed a \$204 lien, pursuant to Resolution #6258, which was approved by City Council on February 9, 2015, plus the cost of abatement by a City contractor. Property owners who correct the violation prior to final inspection are not charged the lien or abatement fee. Exhibit 2 is the "Notice to Destroy Weeds - Remove Rubbish"; Exhibit 3 is Resolution Number 6258, and Exhibit 4 is the Inspection List of Non-Compliant Property owners.

## **ISSUES/ANALYSIS**

This report lists those parcels identified in the 2015 Weed Abatement Survey as potential nuisances. During the public hearing process, property owners will testify on the status of their property and may contest the survey results. If the property is not free of the public nuisance, the City has the legal right to remove the weeds, rubbish and/or refuse and assess the costs of any cleanup against the property in the form of a lien with the San Bernardino County Tax Assessor's Office. The weed abatement process has been in place in Upland for many years and continues to serve the whole community ensuring health, safety and welfare.

## **FISCAL IMPACTS**

The City anticipates to recover all administrative costs involved with implementing this program plus any additional costs related to abatement services. The minimum \$204 fee (the fully burdened hourly rate for two hours), covers inspection activities and any or all written or verbal communications by staff. The cost of abatement services from City Contractor, CLS, are based on the size and condition of the parcel.

## **ALTERNATIVES**

Provide alternative direction to staff.

## **ATTACHMENTS:**

[Utility Mailings](#)

[Annual Notice](#)

[Resolution No. 6258](#)

[Non-Compliant List](#)

**Weed Abatement Program - 2015**  
**Timeline Dates**

**Activities necessary to complete the Weed Abatement Program. Approximate time frames allotted for each:**

1/20/15	First Agenda Report due – 2/9 Council Meeting
2/2	Final Agenda Report due
2/2015	Utility Mailers sent – Tag Alongs
2/9/15	<b><u>City Council to Establish Program – Consent Calendar</u></b>
2/10/15	Obtain Bid# from Debbie Covington
2/2015	a) Send Contract with All Specs to City Clerk b) Request City Clerk to Run Ad (Normally 5 Weeks)
2/10 – 4/17	First Inspections Ten Weeks
4/20 – 5/1	Mail Letters to Residents Two Weeks
5/4	First Agenda Report Due – 5/26 Council Meeting – Public Hearing
5/4 – 5/22	Final Inspections Three Weeks
5/18	Final Agenda Report Due
5/26/15	<b><u>City Council Meeting – Public Hearing – List of Non-Compliant Properties</u></b>
5/27 – 7/3	Abatements from Mailed Notices + 10-Day Postings (No Public hearing Needed for Recurrent Nuisances) (Six Weeks)
7/3	All abatements to be completed and invoices are due.
7/20	First Agenda Report Due – 8/10 Council Meeting
7/6 – 7/10	<b><u>Cost letters mailed out.</u></b>
8/3	Final Agenda Report Due – 8/10 Council Meeting
7/22	Post Copy of Final Cost Report Near Chamber Door
8/10/2015	<b><u>City Council Meeting – Public Hearing - Final Cost Report</u></b>
8/13	Submit Initial Tax Liens to Tax Assessors Office
8/20	Final Tax Liens to Assessor’s Office
9/1/15	Last Official Day to Submit Tax Liens to Assessor



DEVELOPMENT SERVICES DEPARTMENT  
WEED ABATEMENT  
Telephone (909) 931-4134  
Facsimile (909) 931-4321

DATE:

**ANNUAL NOTICE TO DESTROY WEEDS – REMOVE RUBBISH AND/OR REFUSE AND DIRT**

The City of Upland is conducting annual weed abatement measures. Weed growth and rubbish and/or refuse accumulation is a year round concern subject to code enforcement. Notice is hereby given that on the 9<sup>th</sup> day of February, 2015, the City of Upland City Council passed a resolution declaring that noxious or dangerous weeds or rubbish, refuse or dirt were growing upon or in front of the property on this street, in Upland, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse or dirt. Otherwise they will be removed and the nuisance abated by the city and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse or dirt are removed will constitute a lien upon such land until paid. Property owners with an alley are responsible for weed abatement within the alley areas adjacent to their property. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the city clerk. All property owners having any objections to the proposed removal of the weeds, rubbish, refuse or dirt are hereby notified to attend a meeting of the City Council of Upland to be held on May 26, 2015, when their objections will be heard and given due consideration. Objections to this notice must be in writing and received by the city clerk not later than 5:00 P.M. on May 18, 2015. Letters must clearly state all reasons the notice is in error or the condition cited is not subject to abatement.

**THIS LETTER SERVES AS LEGAL NOTICE AND ORDER OF ABATEMENT.** Our records indicate that you are the current owner of the parcel indicated on the address label above. An initial inspection of this parcel was conducted between February & April 2015. This inspection showed that weeds, rubbish, refuse or dirt are currently situated upon the parcel. To assist you, *we have either sketched or written the problem areas* on a diagram on the reverse side of this letter. The condition constitutes a public nuisance within the meaning of the Upland Municipal Code, Title 8, Chapter 8.12.020 & 8.12.040. *If the weeds, rubbish/refuse and dirt are abated and/or removed within ten (10) days after the date of this notification, no charge will be forthcoming to the property owner.* However, should a second inspection of the property show that the public nuisance still exists; a minimum \$204.00 lien shall be assessed on this lot as a special lien item entry on the property tax bill. *If said public nuisance is not abated as required, the City of Upland will abate, or cause to be abated, all public nuisance conditions with additional costs being assessed against this property as a lien until paid.* This assessment constitutes costs incurred by the City for enforcement abatement steps including investigation, photographs, research, formal written notice, and other related costs incurred during the inspections and identification of subject parcel.

Stephanie A. Mendenhall, CMC  
City Clerk

Please direct any questions regarding this matter to Sheldon Bloomfield, Weed Abatement Coordinator, at (909) 931-4134.

**City of Upland**

460 North Euclid Avenue, Upland, CA 91786-4732 • (909) 931-4100 • Fax (909) 931-4123 • TDD (900) 735-8929 • WEED ABATEMENT PROGRAM

RESOLUTION NO. 6258

A RESOLUTION OF THE CITY COUNCIL DECLARING CERTAIN WEEDS, RUBBISH, REFUSE AND DIRT IN THE PUBLIC RIGHT OF WAY AND PRIVATE PROPERTY WITHIN THE CITY, TO BE PUBLIC NUSIANCES AND PROVIDING FOR THE ABATEMENT THEREOF

Intent of the Parties and Findings

(i) There are now growing and/or being upon those certain streets and/or sidewalks within the City of Upland as hereinafter particularly described, and upon and/or in front of those certain private properties hereinafter particularly described, weeds which when mature bear seeds of a wingy or downy nature which will attain such a large growth as to become a fire menace when dry, and/or which are otherwise noxious or dangerous to persons and property within said City; and

(ii) The weeds are now growing or have the potential to be upon those certain streets and/or sidewalks within the City of Upland as hereinafter particularly described, and upon and/or in front of those certain private properties hereinafter particularly described, are seasonal and recurrent nuisances; and

(iii) There is now being upon those certain streets and/or sidewalks within the City of Upland as hereinafter particularly described and upon and/or in front of those certain private properties hereinafter particularly described rubbish, refuse and dirt and, accordingly, it is the intention and purpose of the properly constituted authorities of said municipal corporation to abate all of the same that have not been destroyed or abated by the owners of such; abatement or removal when done by such City shall be assessed upon the lots and lands from which said weeds, rubbish, refuse and dirt are removed and to impose such costs as a lien upon lots and lands until paid.

NOW, THEREFORE, the Upland City Council hereby finds, determines and resolves as follows:

Section 1. The City Council of the City of Upland, in relation to such weeds, refuse, and dirt on or in front of the properties hereinafter described, that the same constitute and are a public nuisance, and that all of such weeds, rubbish, refuse, and dirt growing or being upon such privately owned properties, or within the confines of the public streets in front thereof, are hereby declared to be a seasonal and recurrent public nuisance in each and every case and instance, and the same in each and every case and instance is hereby ordered to be abated by the respective owners of such lands.

Section 2. The City Clerk shall cause to be mailed written notice of the proposed abatement to all persons owning property where such nuisances exist; said notices shall be substantially in the form required by general law; and May 26, 2015 at the hour of 7:00 p.m., at the Council Chambers of the City Hall in the City of Upland, is hereby fixed as the time and place for hearing and considering any and all objections or protests to the proposed removal of such weeds, rubbish, refuse and dirt as a charge and lien upon the property suffering such nuisance to exist, and any and all persons having objections to such proposed removal are hereby notified to attend a meeting of the City Council of the City of Upland at the time and place herein before set forth, when their objections will be heard and given due consideration. This resolution shall particularly apply to all parcels and streets within the City of Upland limits as provided by the County of San Bernardino Assessor list, which is incorporated by reference and available for review in the Development Services Department.

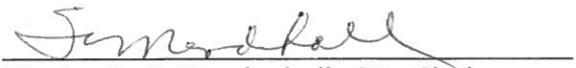
Section 3. Certification. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 9th day of February, 2015.

  
\_\_\_\_\_  
Ray M. Musser, Mayor

I, Stephanie A. Mendenhall, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 9th day of February, 2015, by the following vote:

AYES: Mayor Musser, Councilmembers Bozar, Filippi, Stone, Timm  
NOES: None  
ABSENT: None  
ABSTAINED: None

ATTEST:   
\_\_\_\_\_  
Stephanie A. Mendenhall, City Clerk



**DEVELOPMENT SERVICES DEPARTMENT**

**WEED ABATEMENT**

Telephone (909) 931-4134

Facsimile (909) 931-4321

NON-COMPLIANT  
2015

PARCEL NUMBER

SITUS ADDRESS

1004-281-21-0000	2002 N MOUNTAIN AVE
1006-201-05-0000	1425 N MOUNTAIN AVE
1007-041-05-0000	W. 11 <sup>TH</sup> STREET
1007-041-06-0000	W. 11 <sup>TH</sup> STREET
1007-051-22-0000	2176 FOOTHILL BLVD
1007-071-03-0000	1837 W 11 <sup>TH</sup> STREET
1007-224-05-0000	1354 WINN DR.
1007-242-15-0000	W ARROW ROUTE
1007-301-01-0000	W. 11 <sup>TH</sup> STREET
1007-441-01-0000	314 N CENTRAL AVE
1007-442-23-0000	313 HERVEY STREET
1007-442-30-0000	458 DRAKE AVE
1007-443-02-0000	332 HERVEY AVE
1007-443-04-0000	360 HERVEY AVE
1007-462-03-0000	1659 W. 9 <sup>TH</sup> STREET
1007-531-03-0000	1037 W. 9 <sup>TH</sup> STREET
1007-653-08-0000	1916 W. 9 <sup>TH</sup> STREET
1007-655-05-0000	1870 W. 9 <sup>TH</sup> STREET
1007-731-13-0000	2593 HUNTINGTON DRIVE
1043-332-13-0000	2163 N. EUCLID AVE
1044-541-14-0000	1615 N. 2 <sup>ND</sup> AVE
1045-176-04-0000	1419 N. GROVE AVE
1045-191-13-0000	1462 CARLOS WAY
1045-521-01-0000	1133 N. CAMPUS AVE
1045-524-04-0000	374 E. WEST STREET
1045-524-08-0000	422 E. WEST STREET
1045-533-05-0000	548 E. PINE STREET
1045-541-18-0000	150 NISBET DR.
1045-601-11-0000	1241 N. SAN ANTONIO AVE
1046-081-23-0000	395 E. 11 <sup>TH</sup> STREET
1046-081-25-0000	381 E. 11 <sup>TH</sup> STREET
1046-091-15-0000	937 N. CAMPUS AVE
1046-171-01-0000	1320 SAN BERNARDINO RD.
1046-171-02-0000	1471 E. ARROW
1046-214-04-0000	1045 E. ARROW
1046-214-05-0000	1025 E. ARROW

NON-COMPLIANT  
2015

1046-221-10-0000	545 E. G STREET
1046-291-06-0000	319 W. ARROW
1046-311-13-0000	762 N. SAN ANTONIO AVE
1046-311-22-0000	705 N. VALLEJO WAY
1046-331-08-0000	890 W. ARROW
1046-362-04-0000	263 N. LAUREL AVE
1046-361-14-0000	155 W. 9 <sup>TH</sup> STREET
1046-374-12-0000	62 W. ARROW HWY
1046-411-02-0000	511 E. 9 <sup>TH</sup> STREET
1046-451-17-0000	759 E. 9 <sup>TH</sup> STREET
1046-452-11-0000	281 N. 9 <sup>TH</sup> AVE
1046-452-12-0000	265 N. 9 <sup>TH</sup> AVE
1046-454-07-0000	1042 E. WASHINGTON BLVD
1046-454-11-0000	293 N. 11 <sup>TH</sup> AVE
1046-462-12-0000	1147 E. 9 <sup>TH</sup> STREET
1046-462-16-0000	278 N. 11 <sup>TH</sup> AVE
1046-471-05-0000	402 N. 11 <sup>TH</sup> AVE
1046-493-11-0000	1369 E. 9 <sup>TH</sup> STREET
1046-501-09-0000	1344 E. 9 <sup>TH</sup> STREET
1046-501-14-0000	1386 E. 9 <sup>TH</sup> STREET
1046-531-12-0000	106 N. 12 <sup>TH</sup> AVE
1046-531-08-0000	152 N. 12 <sup>TH</sup> AVE
1046-541-13-0000	946 E. 9 <sup>TH</sup> STREET
1046-542-11-0000	156 N. 10 <sup>TH</sup> AVE
1046-582-01-0000	102 E. A STREET
1046-601-15-0000	185 S. 2 <sup>ND</sup> AVE
1046-631-10-0000	105 N. VALLEJO WAY
1047-041-07-0000	EUCLID AVE
1047-055-06-0000	79 ELIZABETH LN
1047-062-23-0000	295 S. 2 <sup>ND</sup> AVE
1047-064-04-0000	272 S. 3 <sup>RD</sup> AVE
1047-064-05-0000	264 S. 3 <sup>RD</sup> AVE
1047-102-12-0000	226 S. CAMPUS AVE
1047-112-25-0000	884 OLIVE STREET
1047-191-22-0000	1052 E. 7 <sup>TH</sup> STREET
1047-272-26-0000	440 S. SHASTA WAY

**PUBLIC WORKS COMMITTEE MEETING  
MAY 12, 2015  
\*\*\*\*\*  
CONCLUSION/ACTION SUMMARY**

In attendance: Committee Members Stone and Timm, Public Works Director Hoerning and Water Conservation Specialist Taylor

- 1) **ORAL COMMUNICATIONS**, None.
- 2) **WATER CONSERVATION UPDATE**, the Committee received and filed the informational item.



## Public Works Committee Meeting

May 12, 2015

5:00 pm

Pinky Alder Room

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- 1) ORAL COMMUNICATIONS
  - 2) WATER CONSERVATION UPDATE

**NOTE:** All Agenda items and back-up materials are available for public review at the Upland Public Library, downstairs reference desk at 450 North Euclid Avenue, the City Clerk's Office at 460 North Euclid Avenue and the City website at [www.ci.upland.ca.us](http://www.ci.upland.ca.us), subject to staff's ability to post the documents before the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 909.931.4120. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

**POSTING STATEMENT:** On May 7, 2015 a true and correct copy of this agenda was posted on the bulletin boards at 450 N. Euclid Avenue (Upland Public Library) and 460 N. Euclid Avenue (Upland City Hall).



# STAFF REPORT

ITEM NO. 14.A

**DATE:** MAY 26, 2015  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** ROD BUTLER, CITY MANAGER  
**PREPARED BY:** SCOTT WILLIAMS, INTERIM FINANCE MANAGER  
**SUBJECT:** FINANCIAL REPORT FOR THE MONTH ENDING APRIL 2015

## RECOMMENDED ACTION

It is recommended that the City Council receive and file the Financial Report for the Month of April 2015.

## GOAL STATEMENT

The proposed action supports the City's goal to manage the City's resources in a fiscally responsible manner.

## BACKGROUND

On June 30, 2014, the Finance Committee agreed to have the Financial Reports brought to the City Council on a monthly basis.

## ISSUES/ANALYSIS

The current General Fund summary reflects year to date activity through April 2015. The City's largest General Fund source of revenue, property tax revenue, will be distributed by the County between May and June for the final fiscal year installments. The City's second largest revenue source, sales and use tax revenue is expected to finish the current fiscal year meeting budgeted expectations. Additional sales tax true up distributions will be made in July and August 2015. Year to date General Fund expenditures are at expectations with two months of reporting remaining in the fiscal year and all City departments are below total budgeted expenditures.

## FISCAL IMPACTS

None.

## ALTERNATIVES

Provide direction to staff for any additional information.

## ATTACHMENTS:

[April 2015 Financial Report](#)

# City of Upland



Financial Report  
April 30, 2015  
Fiscal Year 2014-2015

## 2014-2015 SUMMARY OF CHANGES IN GENERAL FUND BALANCE

Estimated Beginning Fund Balance at 7/1/14		\$ 4,000,000
Revenues	\$ 32,205,158	
Expenditures	<u>(31,518,824)</u>	
Revenues over (under) expenditures	686,334	
AIG/ICRMA Settlement	4,113,756	
Settlement Transfer to Self-Insurance Fund	<u>(1,576,252)</u>	
Net Change in Fund Balances		3,223,838
Estimated Transfers Out		(2,310,367)
Estimated Restatements		<u>(122,200)</u>
Fund Balance at 4/30/15		<u><u>\$ 4,791,271</u></u>

**Estimated Restatement Explanations:**

To write off NSF checks from prior fiscal years	\$ (122,200)
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**Estimated Transfer Out Explanations:**

Transfer from General Fund to Animal Services Fund to close out the Animal Services Fund to the General Fund	\$ (972,429)
Transfer from General Fund to Successor Agency Fund to cover deficit cash for continuing obligations	\$ (1,337,938)

**City of Upland**  
**General Fund Expenditures by Department**  
**For the Month Ended April 30, 2015**

<u>Department Name</u>	<u>Annual Budget</u>	<u>YTD Expend.</u>	<u>YTD Encumb</u>	<u>Available Budget</u>	<u>Percent Utilized</u>
General Government	\$ 413,644	\$ 320,023	\$ 30,808	\$ 62,813	77.37%
Administrative Services	3,078,583	2,122,245	280,568	675,770	68.94%
Development Services	1,639,300	1,025,479	252,541	361,280	62.56%
Police	15,487,646	12,366,104	205,045	2,916,497	79.84%
Fire	10,530,295	8,429,013	41,441	2,059,841	80.05%
Community Services	3,543,597	2,742,406	368,157	433,034	77.39%
Public Works	5,275,618	3,657,146	373,643	1,244,829	69.32%
Transfers Out	1,318,971	856,408	-	462,563	64.93%
<b>General Fund</b>	<b><u>\$ 41,287,654</u></b>	<b><u>\$ 31,518,824</u></b>	<b><u>\$ 1,552,203</u></b>	<b><u>\$ 8,216,627</u></b>	<b><u>76.34%</u></b>
Settlement Transfer Out	\$ 1,576,252	\$ 1,576,252	\$ -	\$ -	100.00%
				<b>% of Year</b>	<b>83%</b>

**City of Upland**  
**General Fund Major Revenue Trends**  
**For the Month Ended April 30, 2015**

<u>Major Revenue Accounts</u>	<u>Fiscal Year Actuals (Totals)</u>		<u>Adjusted Budget</u>	<u>Year-to-Date</u>	<u>Realized</u>
	<u>2012-13</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2014-15</u>	
Property Tax	\$ 17,035,892	\$ 17,171,646	\$ 17,818,570	\$ 14,267,745	80.1%
Sales & Use Tax	10,167,479	10,494,630	12,000,150	7,878,116	65.7% <b>A</b>
Business License Tax	814,383	850,011	808,630	740,497	91.6%
Other Taxes	538,146	569,813	562,310	437,397	77.8%
Franchise Tax	1,236,293	1,104,931	1,261,020	990,414	78.5%
Licenses & Permits	586,813	770,058	714,708	772,801	108.1%
Revenue from Other Governments	1,072,115	1,453,364	1,347,091	1,456,505	108.1%
Charges for Services	3,637,898	4,251,288	4,146,609	3,149,878	76.0%
Fines & Forfeitures	500,389	530,954	507,552	456,155	89.9%
Use of Money & Property	487,818	553,367	508,991	432,113	84.9%
Other Revenue	1,919,493	1,584,074	3,182,729	1,623,537	51.0%
Transfers In	1,875,405	1,807,850	-	-	100.0%
<b>Total General Fund Revenues</b>	<b>\$ 39,872,124</b>	<b>\$ 41,141,986</b>	<b>\$ 42,858,360</b>	<b>\$ 32,205,158</b>	<b>75.1%</b>

AIG/ICRMA Settlement

\$ 1,576,256      \$ 4,113,756

**A** - The next large (true up) payment expected to be received between May and June.

**City of Upland**  
**Statement of Revenues & Expenditures**  
**For the Month Ended April 30, 2015**

				% of Year		83%	
Current Year Activity							
<u>Fund Title</u>	<u>Fund No.</u>	<u>Budgeted Revenue</u>	<u>YTD Revenues</u>	<u>% Realized</u>	<u>Budgeted Expenditures</u>	<u>YTD Expenditures</u>	<u>% Expended</u>
General Fund	101	\$ 42,858,360	\$ 36,318,914	84.7%	\$ 41,287,654	\$ 31,518,824	76.3%
Housing Fund	201	3,034,300	1,232,383	40.6%	5,060,264	1,340,608	26.5%
Public Safety Augmentation Fund	203	725,000	623,594	86.0%	725,000	645,816	89.1%
Gas Tax Fund	204	1,967,305	1,545,700	78.6%	3,980,663	214,733	5.4%
Measure I	205	1,001,000	799,644	79.9%	2,135,263	204,306	9.6%
Sanitary Sewer	207	-	924,165	0.0%	-	-	0.0%
HOME	208	775,000	370,283	47.8%	992,500	-	0.0%
Community Development Block Grant	209	663,224	139,304	21.0%	663,224	260,113	39.2%
Parking Improvement District Area	210	33,000	22,688	68.8%	48,982	43,878	89.6%
Air Quality Management District	211	92,000	44,760	48.7%	150,507	18,440	12.3%
Homeland Security Grants - PD	214	54,763	34,391	62.8%	20,372	-	0.0%
Proposition 30	215	75,920	110,610	145.7%	102,201	96,440	94.4%
COPS	216	119,000	102,090	85.8%	202,450	82,232	40.6%
Other Grants	217	59,500	3,512	5.9%	59,600	59,600	100.0%
Office of Traffic Safety Grants	218	135,825	60,205	44.3%	131,672	79,689	60.5%
JAG Grant	219	24,951	25,023	100.3%	24,951	6,572	26.3%
Asset Forfeiture	220	14,048	666	4.7%	20,766	18,667	89.9%
Homeland Security Grants - Fire	221	312,109	-	0.0%	312,109	15,637	5.0%
Cal HOME	222	1,000,000	244,853	24.5%	1,000,000	156,000	15.6%
Financing Authority	301	271,259	266,737	98.3%	271,259	270,500	99.7%
General Development	420	130,956	212,601	162.3%	130,956	115,479	88.2%
Park Acquisition & Development	421	503,000	936,707	186.2%	472,245	17,572	3.7%
Storm Drain Development	422	218,617	298,130	136.4%	451,748	-	0.0%
Street & Traffic Facility Development	423	102,000	143,707	140.9%	150,000	-	0.0%
General Capital Projects	425	356,725	-	0.0%	356,725	-	0.0%
Street & Alley Repairs - Burrtec	426	200,000	116,669	58.3%	-	-	0.0%
Water Utility	640	19,981,240	17,108,243	85.6%	26,087,935	14,381,968	55.1%
Solid Waste Utility	641	10,167,473	8,487,135	83.5%	10,343,435	6,297,013	60.9%
Sewer Utility	645	7,294,050	6,295,207	86.3%	9,099,418	4,109,552	45.2%
Animal Services	647	930,128	821,998	88.4%	993,930	799,771	80.5%
Self-Funded Liability	751	5,608,646	4,618,121	82.3%	4,032,394	3,228,280	80.1%
Fleet Management	752	683,894	555,305	81.2%	688,035	536,910	78.0%
Information Systems	753	2,026,815	1,160,688	57.3%	2,034,765	916,277	45.0%
Building Maint & Operations	754	608,461	508,381	83.6%	608,461	428,197	70.4%
Successor Agency	970	3,132,333	57,438	1.8%	1,826,423	1,541,798	84.4%
		<b>\$ 105,160,902</b>	<b>\$ 84,189,852</b>	<b>80.06%</b>	<b>\$ 114,465,907</b>	<b>\$ 67,404,872</b>	<b>58.89%</b>