



**City Council
Successor Redevelopment Agency
Financing Authority
Housing Authority**

AGENDA

Wednesday

Regular

**Closed Session 5:30 p.m.
Regular Session 6:00 p.m.**

September 4, 2013

**City Hall
100 West California Avenue
Ridgecrest CA 93555**

(760) 499-5000

**Daniel O. Clark, Mayor
Vacant, Mayor Pro Tempore
Marshall 'Chip' Holloway, Vice Mayor
James Sanders, Council Member
Lori Acton, Council Member**

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LAST ORDINANCE NO. 13-03
LAST RESOLUTION CITY COUNCIL NO. 13-65
LAST RESOLUTION FINANCING AUTHORITY NO. 13-xx
LAST RESOLUTION OF THE HOUSING AUTHORITY NO. 13-xx
LAST RESOLUTION OF THE SUCCESSOR REDEVELOPMENT AGENCY NO. 13-xx

CITY OF RIDGECREST

CITY COUNCIL REDEVELOPMENT SUCCESSOR AGENCY HOUSING AUTHORITY FINANCING AUTHORITY

AGENDA

Regular Council
Wednesday September 4, 2013

CITY COUNCIL CHAMBERS CITY HALL
100 West California Avenue
Ridgecrest, CA 93555

Closed Session – 5:30 p.m.
Regular Session – 6:00 p.m.

This meeting room is wheelchair accessible. Accommodations and access to City meetings for people with other handicaps may be requested of the City Clerk (499-5002) five working days in advance of the meeting.

In compliance with SB 343. City Council Agenda and corresponding writings of open session items are available for public inspection at the following locations:

1. City of Ridgecrest City Hall, 100 W. California Ave., Ridgecrest, CA 93555
2. Kern County Library – Ridgecrest Branch, 131 E. Las Flores Avenue, Ridgecrest, CA 93555
3. City of Ridgecrest official website at <http://ci.ridgecrest.ca.us>

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

CLOSED SESSION PUBLIC COMMENT

AGENDA - CITY COUNCIL - REGULAR

September 4, 2013

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CLOSED SESSION – 5:30 p.m.

GC54956.9 (B) Conference With Legal Counsel – Anticipated Litigation – Disclosure Of Potential Litigant Would Prejudice The City Of Ridgecrest

REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation

CITY ATTORNEY REPORT

- Other

PUBLIC COMMENT

PRESENTATIONS

1. Employee of the Month – August Clark
2. Employee Service Awards Clark
3. Eileen Shibley Will Give A Presentation To Council Updating The Unmanned Aircraft Systems (UAS) Project Speer

CONSENT CALENDAR

4. Adopt A Resolution Of The City Of Ridgecrest Successor Redevelopment Agency Approving The Recognized Obligation Payment Schedule (ROPS) 13-14B Parsons
5. Adopt A Resolution Of The City Of Ridgecrest Successor Redevelopment Agency Approving The Selection Of A Consultant To Provide Professional Services For The Development And Implementation Of The Successor Agency's Property Management Plan Parsons
6. Adopt A Resolution Of The Ridgecrest City Council Accepting An Offer Of Dedication From Boydston Construction Company, Inc. For APN 477-090-05, In The City Of Ridgecrest, County Of Kern, State Of California And Authorizing The Mayor To Sign The Right Of Way Agreement, Certificate Of Acceptance And Approve An Allocation Of \$23,000 For Fee Interest In The Dedicated Portion Of The Property Speer

AGENDA - CITY COUNCIL - REGULAR

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7. Adopt A Resolution Of The Ridgecrest City Council Accepting Offer Of Dedication From Bernice B. Pooley for APN 477-020-01, In The City Of Ridgecrest, County Of Kern, State Of California And Authorizing The Mayor To Sign The Right of Way Agreement And The Certificate Of Acceptance
Speer
8. Adopt A Resolution Of The Ridgecrest City Council Accepting An Offer Of Dedication From Betty Jean Shoemaker for APN 477-090-02, In The City Of Ridgecrest, County Of Kern, State Of California And Authorizing The Mayor To Sign The Right of Way Agreement And The Certificate Of Acceptance
Speer
9. Adopt A Resolution Of The Ridgecrest City Council Accepting Grant of Easements and Irrevocable Offers Of Dedication From Dollar General (DG) Ridgecrest, CA-1, LLC, for APN's 420-020-09, 15 & 22, (Easements A, B & C) In The City Of Ridgecrest, County Of Kern, State Of California And Authorizing The Mayor To Sign The Certificate Of Acceptance and Authorizing the City Clerk to Record the Document
Speer
10. Adopt A Resolution Of The Ridgecrest City Council Vacating A Portion Of Sewer Easement From Parcel 3 Of Parcel Map 7716, In The City Of Ridgecrest, County Of Kern, State Of California And Authorizing The Mayor To Sign The Quitclaim And Vacation Deed And Authorizing The City Clerk To Record The Documents
Speer
11. Adopt A Resolution Of The City Council Of The City Of Ridgecrest Authorizing The City Manager To Sign A Deferred Improvement Agreement For 100 East Las Flores Avenue Street Improvements For The Maturango Museum
Speer
12. Adopt A Resolution Of The Ridgecrest City Council Authorizing A Letter Of Opposition To SB 594 (Hill) And Authorizing The Mayor To Sign The Letter
Holloway
13. Adopt A Resolution Of The City Council Of The City Of Ridgecrest Eliminating Standing Committees And Reaffirming City's Ability To Form Ad Hoc Committees
Ford
14. Adopt A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of August 2013
Ford
15. Approval Of Draft Minutes Of The Regular Council Meeting Dated August 21, 2013
Ford

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DISCUSSION AND OTHER ACTION ITEMS

16. Discuss And Adopt A Resolution Establishing Ad Hoc Committees For Identified Projects **Clark**

COMMITTEE REPORTS

Veterans Advisory Committee

Members: Jason Patin, Lori Acton

Meetings: 1st and 3rd Monday of the Month At 6:00 p.m., Council Conference Room

Next Meeting: To Be Announced

Ridgecrest Area Convention And Visitors Bureau (RACVB)

Members: Jason Patin, Chip Holloway

Meetings: 1st Wednesday Of The Month, 8:00 A.M.

Next Meeting: at time and location to be announced

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

CITY MANAGER REPORT

MAYOR AND COUNCIL COMMENTS

ADJOURNMENT

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT: Presentation Of the Employee of the Month Award
PRESENTED BY: Dan Clark - Mayor
SUMMARY: Staff recently implemented an Employee of the Month awards program, which gives the Council the opportunity to publicly recognize and extend their appreciation to employee's for exceptional service. The recipient for August is Karen Harker, Administrative Analyst for Public Works.
FISCAL IMPACT: No Fiscal Impact Reviewed by Finance Director
ACTION REQUESTED: Presentation of a Certificate from Council to the Employee of the Month
CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION: Action as requested: Present a recognition certificate to the Employee of the Month

Submitted by: Daniel Clark, Mayor
(Rev. 02/13/12)

Action Date: Sept. 4, 2013

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

Service Award Presentations

PRESENTED BY:

Mayor and City Council members

SUMMARY:

Service recognition awards presented by the Ridgecrest City Council to employees who have reached milestones of five (5) or more years of employment with the City of Ridgecrest.

FISCAL IMPACT: NONE

Reviewed by Finance Director

ACTION REQUESTED:

Presentation of certificates to the employees by City Council members.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Present Service Awards

Submitted by: Dennis Speer, City Manager
(Rev. 02/13/12)

Action Date: Sept. 4, 2013

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**CITY COUNCIL / REDEVELOPMENT SUCCESSOR AGENCY / FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

Review And Approve Recognized Obligations Payment Schedule (ROPS 2013-14 B) Of The Former Ridgecrest Redevelopment Agency By Resolution

PRESENTED BY:

Gary Parsons

SUMMARY:

The City Council at their regular meeting of January 11, 2012 adopted Resolution No 12-02, electing to serve as the Successor Agency to the prior Ridgecrest Redevelopment Agency and making certain findings in connection therewith.

The staff has prepared the Ridgecrest Redevelopment Successor Agency Recognized Obligations Payment Schedule (ROPS 2013-14 B) of the prior Ridgecrest Redevelopment Agency and is recommending approval by the Successor Agency and its approval for presentation for review and adoption by Resolution to the Oversight Board.

The Recognized Obligations Payment Schedule (ROPS 2013-14 B) is for the period of January1, 2014 through June 30, 2014.

Staff will provide an overview and respond to any questions of the council concerning the ROPS 2013-14B and recommend its approval for submitting to the Oversight Board and the State of California Department of Finance (DOF) for its approval.

Proposed ROPS 2013-14B attached

FISCAL IMPACT: Funding of Recognized Obligations of the Successor Agency

ACTION REQUESTED:

Review and approval of ROPS 2013-12B and Resolution

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Review and Comment : Approve as submitted

Submitted by: G. Parsons
(Rev 2/13/12)

Action Date: Sept. 4, 2013

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RESOLUTION NO. 13 - XX

A RESOLUTION OF THE CITY OF RIDGECREST SUCCESSOR REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE 13-14B

WHEREAS, the Ridgecrest Successor Redevelopment Agency has met and has duly considered a Draft Recognized Obligation Payment Schedule (ROPS) for the period January 1, 2014 through June 30, 2014 in the form submitted by the Successor Agency staff (the "Draft ROPS 13-14B"); and

WHEREAS, prior to its meeting on September 4, 2013, the members of the Ridgecrest Successor Redevelopment Agency have been provided with copies of the Draft ROPS 13-14B and instruments referenced in the Draft ROPS 13-14B; and

WHEREAS, the Ridgecrest Successor Redevelopment Agency has reviewed the Draft ROPS 13-14B and those instruments referenced in the Draft ROPS 13-14B; and

WHEREAS, the Ridgecrest Successor Redevelopment Agency desires to express and memorialize its approval of the Draft ROPS 13-14B with this Resolution.

NOW THEREFORE, BE IT RESOLVED by the Ridgecrest Successor Redevelopment Agency, as follows:

SECTION 1. The Ridgecrest Successor Redevelopment Agency finds and determines that the foregoing recitals are true and correct.

SECTION 2. The Ridgecrest Successor Redevelopment Agency approves as the Recognized Obligation Payment Schedule for the period January 1, 2014 through June 30, 2014.

SECTION 3. The Successor Agency is authorized and directed to submit the ROPS 13-14B to the Ridgecrest Oversight Board for its review and approval for submission to the California Department of Finance.

SECTION 4. The Successor Agency shall maintain on file as a public record this Resolution and the ROPS as approved hereby.

PASSED, APPROVED, AND ADOPTED at a meeting of the Ridgecrest City Council, held on this the 4th day of September, 2013 by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC, City Clerk

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Recognized Obligation Payment Schedule (ROPS 13-14B) - Summary

Filed for the January 1, 2014 through June 30, 2014 Period

Name of Successor Agency: Ridgecrest

Name of County: Kern

Current Period Requested Funding for Outstanding Debt or Obligation	Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding	
A Sources (B+C+D):	\$ -
B Bond Proceeds Funding (ROPS Detail)	-
C Reserve Balance Funding (ROPS Detail)	-
D Other Funding (ROPS Detail)	-
E Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 4,268,093
F Non-Administrative Costs (ROPS Detail)	4,159,403
G Administrative Costs (ROPS Detail)	108,690
H Current Period Enforceable Obligations (A+E):	\$ 4,268,093

Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding	
I Enforceable Obligations funded with RPTTF (E):	4,268,093
J Less Prior Period Adjustment (Report of Prior Period Adjustments Column U)	(511,788)
K Adjusted Current Period RPTTF Requested Funding (I-J)	\$ 3,756,305

County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding	
L Enforceable Obligations funded with RPTTF (E):	4,268,093
M Less Prior Period Adjustment (Report of Prior Period Adjustments Column AB)	-
N Adjusted Current Period RPTTF Requested Funding (L-M)	4,268,093

Certification of Oversight Board Chairman:
Pursuant to Section 34177(m) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named agency.

Name	Title
/s/ _____	_____
Signature	Date

Recognized Obligation Payment Schedule (ROPS) 13-14B - Report of Fund Balances
 (Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177(l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.

A	B	C	D	E	F	G	H	I	J	K	
Fund Balance Information by ROPS Period		Fund Sources							Total	Comments	
		Bond Proceeds		Reserve Balance		Other	RPTTF				
		Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Review balances retained for approved enforceable obligations	RPTTF balances retained for bond reserves	Rent, Grants, Interest, Etc.	Non-Admin	Admin			
ROPS III Actuals (01/01/13 - 6/30/13)											
1	Beginning Available Fund Balance (Actual 01/01/13) Note that for the RPTTF, 1 + 2 should tie to columns L and Q in the Report of Prior Period Adjustments (PPAs)								-	\$ -	
2	Revenue/Income (Actual 06/30/13) Note that the RPTTF amounts should tie to the ROPS III distributions from the County Auditor-Controller						3,531,364	125,000	\$ 3,656,364		
3	Expenditures for ROPS III Enforceable Obligations (Actual 06/30/13) Note that for the RPTTF, 3 + 4 should tie to columns N and S in the Report of PPAs						3,518,920	125,000	\$ 3,643,920		
4	Retention of Available Fund Balance (Actual 06/30/13) Note that the Non-Admin RPTTF amount should only include the retention of reserves for debt service approved in ROPS III						-	-	\$ -		
5	ROPS III RPTTF Prior Period Adjustment Note that the net Non-Admin and Admin RPTTF amounts should tie to columns O and T in the Report of PPAs.	No entry required						511,788	-	\$ 511,788	
6	Ending Actual Available Fund Balance (1 + 2 - 3 - 4 - 5)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,444	\$ -	\$ (499,344)		
ROPS 13-14A Estimate (07/01/13 - 12/31/13)											
7	Beginning Available Fund Balance (Actual 07/01/13) (C, D, E, G, and I = 4 + 6, F = H4 + F6, and H = 5 + 6)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 524,232	\$ -	\$ 12,444		
8	Revenue/Income (Estimate 12/31/13) Note that the RPTTF amounts should tie to the ROPS 13-14A distributions from the County Auditor-Controller						1,177,177	141,310	\$ 1,318,487		
9	Expenditures for 13-14A Enforceable Obligations (Estimate 12/31/13)						1,188,015	141,310	\$ 1,329,325		
10	Retention of Available Fund Balance (Estimate 12/31/13) Note that the RPTTF amounts may include the retention of reserves for debt service approved in ROPS 13-14A								\$ -		
11	Ending Estimated Available Fund Balance (7 + 8 - 9 -10)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 513,394	\$ -	\$ 1,606		

Recognized Obligation Payment Schedule (ROPS) 13-14B - Report of Prior Period Adjustments
 Reported for the ROPS III (January 1, 2013 through June 30, 2013) Period Pursuant to Health and Safety Code (HSC) section 34186 (a)
 (Report Amounts in Whole Dollars)

ROPS III Successor Agency (SA) Self-reported Prior Period Adjustments (PPA): Pursuant to HSC Section 34186 (a), SAs are required to report the differences between their actual available funding and their actual expenditures for the ROPS III (July through December 2013) period. The amount of Redevelopment Property Tax Trust Fund (RPTTF) approved for the ROPS 13-14B (January through June 2014) period will be offset by the SA's self-reported ROPS III prior period adjustment. HSC Section 34186 (a) also specifies that the prior period adjustments self-reported by SAs are subject to audit by the county auditor-controller (CAC) and the State Controller.

ROPS III CAC PPA: To be completed by the CAC upon submittal of the ROPS 13-14B by the SA to Finance and the CAC

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB						
Item #	Project Name / Debt Obligation	Non-RPTTF Expenditures								RPTTF Expenditures																Net SA Non-Admin and Admin PPA	Non-Admin CAC			Admin CAC			Net CAC Non-Admin and Admin PPA
		LMIHF (Includes LMIHF Due Diligence Review (DDR) retained balances)		Bond Proceeds		Reserve Balance (Includes Other Funds and Assets DDR retained balances)		Other Funds		Non-Admin				Admin				Net Difference (Amount Used to Offset ROPS 13-14B Requested RPTTF (O + T))	Net Lesser of Authorized / Available	Actual	Difference (If V is less than W, the difference is zero)	Net Lesser of Authorized / Available	Actual	Difference (If Y is less than Z, the difference is zero)	Net Difference (Amount Used to Offset ROPS 13-14B Requested RPTTF (X + AA))								
		Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Available RPTTF (ROPS III distributed + all other available as of 1/1/13)	Net Lesser of Authorized / Available	Actual	Difference (If M is less than N, the difference is zero)	Authorized	Available RPTTF (ROPS III distributed + all other available as of 1/1/13)	Net Lesser of Authorized / Available										Actual	Difference (If R is less than S, the difference is zero)					
		\$ -	\$ -	\$ -	\$ -	\$ 3,487,197	\$ 497,344	\$ -	\$ -	\$ 3,531,364	\$ 3,531,364	\$ 3,021,576	\$ 511,788	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ -	\$ -	\$ 511,788	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -					
1	2002 Tax Allocation Bonds					447,611	447,500			476,625	476,625	29,125	447,500							447,500													
2	2005 COP (Building Lease)					-				579,518	579,518	579,518																					
3	2010 Tax Allocation Bonds					3,039,586	49,844			2,127,231	2,127,231	2,077,387	49,844								49,844												
4	Jail Operations/Maintenance									265,000	265,000	258,026	6,974								6,974												
5	Agency held property									174	174	111	63								63												
6	Agency held property									950	950	-	950								950												
7	Auditor									5,000	5,000	7,000	-								-												
8	2005 COP (Building Lease)									1,500	1,500	1,500	-								-												
9	Continuing Disclosure Reporting									5,000	5,000	4,500	500								500												
10	2005 COP (Building Lease)									750	750	750	-								-												
11	Project Management									57,616	57,616	57,616	-								-												
12	Legal Cost									12,000	6,043	6,043	5,957								5,957												
13	Employee Costs													80,960		80,960	80,960				-												
14	Consulting Fees													19,040		19,040	19,040				-												
15	Attorney Fees													15,000		15,000	15,000				-												
16	Auditor													10,000		10,000	10,000				-												
17	Wastewater Loan																				-												
18	Wastewater Loan																				-												
19	County Settlement																				-												
20	2002 Tax Allocation Bonds																				-												
21	2010 Tax Allocation Bonds																				-												
22	2002 Tax Allocation Bonds																				-												
23	2010 Tax Allocation Bonds																				-												
24	Property Management Plan																				-												
25	Pass Thru owed to School District																				-												

Recognized Obligation Payment Schedule 13-14B - Notes

January 1, 2014 through June 30, 2014

Item #	Notes/Comments
#25	Pass thru tax increment owed to Sierra Sand Unified School District was previously approved on ROPS 13-14A with the funding coming from the redevelopment fund reserve balance. However on March 19, 2013 the Successor Agency had to transfer all the redevelopment's liquid assets to Kern County and that was before the Successor Agency was allowed to disburse the pass thru increment to the district. On this ROPS, we listed this obligation again with funding coming from the RPTTF source
#24	The payee's name for this item was originally listed as Kosmont. The contract has not been awarded to the firm who will be doing the services so we decided to change the payee's name to TBD, short for "To Be Determined".
#9	In previous ROPS the annual bond continuing disclosure reporting requirement was performed by Kelling, Norcross and Nobriga. There is a possibility that a different firm will be doing this service in this reporting period, hence the TBD designation in the "Payee" column.
#22	final billing for production of DDR exceeded the previous rops request
32	Adjustment to previous demand regarding AB1290 pass-throughs owed for prior years 2008-09 through 2010-11 to KCSOS

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**CITY COUNCIL / REDEVELOPMENT SUCCESSOR AGENCY / FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

Review And Approval To Enter Into A Consulting Agreement With Kosmont Associates By Resolution

PRESENTED BY:

Gary Parsons

SUMMARY:

The agency staff prepared and sent out to several firms, both locally and out of area; a request for proposal on July 11, 2013.

The agency received two responses and a review community recommended Kosmont Associates for selection (see attached proposals). Kosmont provided implementation services which were not indicated on the other proposal and was also the cheapest at \$15,000. Funding for this contract was included on the ROPS 2013-14A.

Staff would request that it be able to enter into a contract with Kosmont Associates for services as presented in the scope of work provided in the Kosmont proposal with work to be completed before January 1, 2014.

Staff will provide an overview and respond to any questions of the Council concerning the request for proposals or the selection process. Staff is recommending approval to enter into a consultation service agreement with Kosmont Associates for Property Management Plan (PMP) services as required by the State of California Department of Finance (DOF).

FISCAL IMPACT:

Successor Agency Funding of the PMP contract is listed under the Recognized Obligation Schedule for the period 7/1/2013 to 12/31/2013.

ACTION REQUESTED:

Approval to enter into an agreement with Kosmont Associates for PMP services.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Review and Comment : Approve as submitted

Submitted by: G. Parsons
(Rev 2/13/12)

Action Date: Sept. 4, 2013

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RESOLUTION NO. 13 - XX

A RESOLUTION OF THE CITY OF RIDGECREST SUCCESSOR REDEVELOPMENT AGENCY APPROVING THE SELECTION OF A CONSULTANT TO PROVIDE PROFESSIONAL SERVICES FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE SUCCESSOR AGENCY'S PROPERTY MANAGEMENT PLAN

WHEREAS, the Ridgecrest Successor Redevelopment Agency has met and has duly considered the selection of a consultant to provide professional services for the development and implementation of the Successor Agency's Property Management Plan in compliance with the State of California Assembly Bill number 1484 (AB1484); and

WHEREAS, prior to its meeting on September 4, 2013, the members of the Ridgecrest Successor Redevelopment Agency have been provided with copies of all responses/proposals submitted for this service; and

WHEREAS, The State of California Department of Finance has approved the funding of the development of the Successor Agency Property Manage Plan in the Agency's ROPS 2013-2014A; and

WHEREAS, the Ridgecrest Successor Redevelopment Agency has reviewed and evaluated all of the proposals submitted; and

WHEREAS, the Ridgecrest Successor Redevelopment Agency desires to enter into a professional consulting agreement with Kosmont companies.

NOW THEREFORE, BE IT RESOLVED by the Ridgecrest Successor Redevelopment Agency as follows:

SECTION 1. The Ridgecrest Successor Redevelopment Agency finds and determines that the foregoing recitals are true and correct.

SECTION 2. The Ridgecrest Successor Redevelopment Agency approves the execution of professional services with Kosmont companies for services as required by AB1484.

SECTION 3. The Successor Agency is authorized and directed to submit this agreement to the Ridgecrest Oversight Board for its review and approval.

SECTION 4. The Successor Agency shall maintain on file as a public record this Resolution and the contact as approved hereby.

PASSED, APPROVED, AND ADOPTED at a meeting of the Ridgecrest City Council, held on this the 4th day of September, 2013 by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC, City Clerk

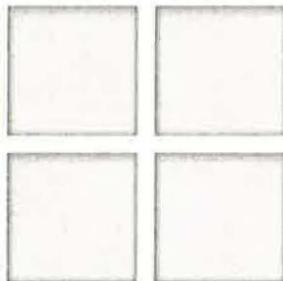
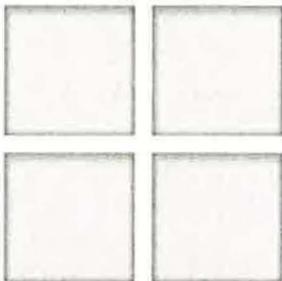
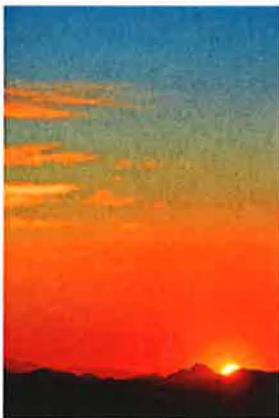
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SUCCESSOR AGENCY PMP PROPOSAL

CITY OF RIDGECREST

*Development of a Property Management Plan
for the Successor Agency of the City of Ridgecrest*





August 12, 2013

Mr. Gary Parsons, Economic Dev. Mgr.
Ms. Rachel Ford, City Clerk
City of Ridgecrest
100 West California Avenue
Ridgecrest, CA 93555

Re: Proposal for Development of a Property Management Plan (PMP) for the Successor Agency of the City of Ridgecrest in Compliance with Assembly Bill No. 1484

Dear Mr. Parsons and Ms. Ford:

Kosmont & Associates, Inc. doing business as Kosmont Companies ("Consultant" or "Kosmont") is pleased to present our proposal for the Development, Preparation and Implementation of a Long-Range Property Management Plan ("PMP") to the Successor Agency of the City of Ridgecrest ("Client").

It is our understanding that the Client seeks a consultant to prepare and submit a draft of the PMP in compliance with Assembly Bill No. 1484 to the California Department of Finance ("DOF") along with communication to the DOF related to the processing and approval of the PMP and implementation of the approved strategy for the Client's assets.

Kosmont Companies, a certified Minority Business Enterprise (MBE), is a full service economic development, public finance, and real estate advisory firm with a 27-year track record of working with local government on economic development strategies and real estate projects that have led to successful outcomes. Since 1986, Kosmont has performed a myriad of assignments in hundreds of cities across the state of California. Locally, we have worked in communities such as Visalia, Santa Clarita, Victorville, Bakersfield, Palmdale and many others.

We are currently assisting several diverse clients in preparing their PMPs such as Atascadero, Culver City, Modesto, Montebello, Riverbank, Santa Paula, and Whittier. Our public and private sector experience, and in-depth expertise in multiple areas including PMPs, asset management, fiscal and economic impact studies, financial advisory, economic development, real estate, project funding, business costs/ incentives and land use make us the ideal firm to provide the requested PMP services.

Our Team also contains several licensed real brokers and attorneys familiar with property conditions as related to title, covenants, easements and their impact on property valuation and marketability. Separately, to the extent desired and advantageous, Kosmont Realty Corporation, a separate brokerage services firm can be available to complete cost effective Broker Opinions of Value (BOV) to update values for the PMP.

The Kosmont Team is fully prepared to meet the requirements of the Scope of Services presented by the Client and would be appreciative of the opportunity to assist the community. We are available to discuss further at your convenience.

Yours truly,

A handwritten signature in cursive script that reads "Larry J. Kosmont".

Larry J. Kosmont, CRE®
President & CEO



PROJECT PROPOSAL TABLE OF CONTENTS

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**Compensation is enclosed in the separate Fee Proposal envelope.*



SCOPE OF WORK

Consultant understands that the Client desires assistance in completing and submitting the Long-Range Property Management Plan (“PMP”) to the California Department of Finance (“DOF”) in compliance with Assembly Bill No. 1484 (“AB 1484”). Additionally, the Client is seeking assistance with communication to the DOF related to the processing and approval of the PMP and implementation of the approved strategy for the Client’s assets.

If selected, Consultant is prepared to start the assignment immediately after approval and subsequent execution of the Agreement by the Successor Agency and City Council.

Kosmont’s approach to these tasks is hands-on and highly collaborative with the Client.

Task 1: PMP Initiation, Preparation & Submission Assistance

The process of preparing and submitting the PMP includes the following subtasks as required by AB 1484, but are not necessarily in this order (except subtasks j and k):

- a. Inventory properties under ownership of the Client including the date of acquisition, value at the time of acquisition and the estimated value today, based on information provided to Kosmont by the Client
- b. Identify the purpose for which each property was acquired, based on information provided to Kosmont by the Client
- c. Gather parcel data (address, lot size, and current zoning)
- d. Estimate current value of the parcels, Client to provide Kosmont any relevant documents including appraisals if applicable
- e. Estimate lease, rental, and other revenues generated by the properties and the contractual requirements of these funds
- f. Describe the history of environmental contamination and associated remediation efforts. The proposal provides that this component will based on information provided to Kosmont by the Client. Cost for additional reports or studies if required, are not included in the proposed budget. Kosmont uses a list of environmental experts depending on specific conditions, and to the extent necessary will recommend and direct environmental specialists for additional studies/evaluations. Environmental firms would be contracted by the Client.
- g. Describe each property’s potential for transit-oriented development and the advancement of the planning objectives of the Client
- h. Describe the history of previous development proposals and activity, including the rental or lease of property, based on information provided to Kosmont by the Client
- i. Describe the Client’s plans for use and/or disposition of properties, based on information provided to Kosmont by the Client
- j. Draft PMP
- k. Assist the Client with submittal of PMP and with follow-up communication with DOF



Task 2: Evaluate the Use or Disposition of All Properties

With the objective of achieving maximum value for the Client, Consultant will evaluate and identify properties that are most likely to be retained for governmental use, retained for future development, retained for the purpose of fulfilling an enforceable obligation, and to be sold. This effort may involve review of former redevelopment plans and related State submittals to validate the retention of these properties.

For properties that do not meet these AB 1484 criteria, and thus must be sold, Consultant will incorporate a plan for the City to facilitate dispositions to buyers that would invest in or install uses that are in the best long-term economic development and planning interests of the Client. Consultant will assist the Client in identifying conditions and constraints that may affect the properties' value and development potential to the extent practical and within the limits of Consultant's expertise. Kosmont has extensive experience in evaluating entitlements, restrictive covenants, TFAR, use of bond proceeds, title conditions, and easements.

Compensation for Tasks 1 and 2 is enclosed in the separate Fee Proposal envelope.

General Approach and Strategy

Kosmont allocates tasks and responsibilities to Team members based on subject-matter expertise and available capacity to optimize efficiency cost effectiveness, and on schedule delivery of work product to its clients. Kosmont will designate a Senior Staff Member as Project Manager to the assignment that has extensive experience in PMPs and in negotiating with the DOF (see Key Staff on page eight).

Our Team meets daily to ensure each phase of a project is being completed in the highest quality and most efficient manner possible. Senior team members, including Larry Kosmont, will review work product for quality control purposes, prior to submission to Client. Work plans, estimated milestone timelines, and task budgets are developed and confirmed with clients prior to initiation of any work in order to carefully manage schedule and cost and to deliver maximally relevant and compelling work product for the Client.

Kosmont has served clients throughout Southern California for over 27 years successfully structuring complex public and private transactions. Our success is premised on delivering value and results to clients, resulting in completed transactions and projects. Our experience across real estate, economic development, and financial markets make us uniquely suited to help guide projects from concept to reality.

TESTIMONIAL: “The Kosmont Team is responsive and very skilled. They identify issues and provide solutions for both technical and policy based projects. A high point is Kosmont’s ability to communicate clearly and effectively in smaller working meetings as well as larger, frequently stressful, public meetings. Their financial and economic work is reliable, credible and user friendly.”

Laurie Hughes, Executive Director, Gateway to L.A.



COMPANY DESCRIPTION AND QUALIFICATIONS

Description

Founded in 1986, Kosmont Companies, a certified Minority Business Enterprise (MBE), is a full-service real estate, economic development, and public finance advisory services firm with a 27 year history of advising redevelopment agencies and overseeing strategic property reuses and dispositions for public agencies. Kosmont Companies is a nationally recognized expert in economic development and real estate projects involving public/private transactions and partnerships.

A primary current focus is on redevelopment dissolution. We offer a complete range of services such as PMP preparation and submittal, PMP peer review, real estate transactions, economics, project finance, transaction structuring, review and/or refunding of existing Tax Allocation Bonds (TAB), negotiations, land use entitlements, and planning and project implementation services for both the public and private sectors.

Qualifications

Kosmont has extensive experience working with the DOF and Oversight Boards ("OBs"). Our expertise in PMPs includes evaluating entitlements, restrictive covenants, TFAR, use of bond proceeds, title conditions, and easements.

Presently, Kosmont is preparing PMPs for a diverse list of cities such as Atascadero, Culver City, Grand Terrace, Modesto, Montebello, Paramount, Riverbank, Santa Paula, and Whittier. In addition, Kosmont has been retained by the DOF to provide comprehensive staff support to six of the seven DLA agencies (known under ABx1 26 as "Designated Local Authorities" and is serving a number of Successor Agencies ("SAs").

Kosmont's PMP services extend to public finance. For example, Kosmont is the Financial Advisor to the City of Walnut Successor Agency and recently completed an AB1484 qualified refunding for \$18 million of existing Tax Allocation Bonds ("TAB"). This refunded TAB was approved by the DOF and resulted in savings for all Taxing Authorities and achieved statutory compliance. We are working on evaluating numerous existing former RDA bond issues to determine the capacity to reuse proceeds as part of the dissolution settlement.

RDA Dissolution, AB 1484 & PMP Services Offered

Successor Agency and Oversight Board Dissolution Services: Kosmont Companies is retained by the DOF to provide comprehensive staff support to six of the seven DLAs. Based upon the firm's long and successful track record in the redevelopment arena and its current roster of nearly a dozen dissolution clients, Kosmont is ideally suited to assist SAs and OBs with a full range of dissolution duties from preparing Recognized Obligation Payment Schedules (ROPS) to communicating with the DOF and working with bond trustees.

Long Range Property Management Plans: Kosmont Companies specializes in asset management plans and has been preparing property based strategies for over 25 years for redevelopment agencies, cities, counties, and other public agencies. Kosmont Companies with Kosmont Realty Company, our full service brokerage and financing firm, has the necessary skills



to effectively prepare and implement the required PMPs for former redevelopment agencies properties. Currently, we are assisting a diverse list of cities with their AB 1484 mandated PMPs.

As part of the PMP, Kosmont explores ways that Cities and Successor Agencies may benefit from the AB 1484 dissolution process. Benefits could include retention of property for governmental use, retention of property for future development, and refunding and refinancing bond obligations. For property that must be sold, Kosmont seeks buyers for assets that may best serve the long term interests of the City.

Financial Advisory & Redevelopment Dissolution Services: Since 1986, Kosmont Companies has helped hundreds cities and agencies with property-based financial advisory, valuation and disposition assignments. The firm offers the following essential Financial Advisory Services to Successor Agencies and Oversight Boards statewide:

- Asset Strategies
- Highest and Best Use Evaluation
- Broker Opinion of Value (via Kosmont Realty Corporation)
- NPV and Income Stream Analysis
- Financing Alternatives for Existing Transactions
- Negotiations of Transaction Issues
- Refunding of RDA Bonds pursuant to AB1484

Furthermore, we serve as the real estate advisor for several cities including South Gate, Placentia, San Jacinto and Redondo Beach. Our staff includes former City Managers as well as Directors of Redevelopment/Economic Development and Financial Services that served 11 different California cities. Our Team also contains several licensed real brokers and attorneys familiar with property conditions as related to title, covenants, easements and their impact on property valuation and marketability.

Statewide Education on Redevelopment Dissolution, PMPs and AB1484

Over the past year, Kosmont created and taught the Property Management Plan workshop for CALED's Annual Pre-Conference which was attended by approximately 75 government professionals. On May 14th, Kosmont led a webinar entitled "*From Dissolution to Development - How to Unlock the Benefits of Property Management Plans*" for the California Redevelopment Association (CRA) that was attended by nearly 200 participants, mainly Successor Agencies.

TESTIMONIAL: *"Kosmont delivers an array of technical and deal making skills that public agencies cannot develop in-house. Their ability to understand economic development projects from the city, developer and financier perspectives has delivered tremendously successful results for Redondo Beach."*

Peter Grant, Assistant City Manager, City of Redondo Beach

COMPANY PERSONNEL QUALIFICATIONS

KEY PROJECT STAFF:

Mr. Larry Kosmont will be the Project Principal/Supervisor responsible for this project.



Larry J. Kosmont, CRE, is the President and CEO of Kosmont Companies, which he founded in 1986. Kosmont Companies is an industry leader in public/private real estate transactions, economic development and public finance. In 2009, he created the Kosmont Muni Horizons Fund™ which sources private financing for public projects, P3 initiatives, infrastructure funding and economic development. Mr. Kosmont is also Managing Partner of Renaissance Community Fund, which invests and develops mixed use, residential and commercial projects throughout California, and a Principal of California Golden Fund, an approved EB-5 Regional Center.

Mr. Kosmont served as Interim City Administrator for the City of Montebello, CA from May 2011 to March 2012 as part of a financial turnaround assignment awarded to Kosmont Companies. From 1975 to 1986, Mr. Kosmont served in the roles of City Manager, Director of Community Development, and Redevelopment Director in the cities of Santa Monica, Seal Beach, Bell Gardens, and Burbank.

Mr. Kosmont's 37-year career encompasses public/private financial structuring and negotiations, development, and management of real estate and public finance transactions exceeding \$12 billion. He has an extensive track record as a public/private real estate consultant and public finance advisor. Mr. Kosmont has assisted hundreds of local government agencies in public finance and real estate matters ranging from large-scale economic development programs to site-specific real estate strategies and projects. He has guided over 1,000 private sector projects in obtaining public approvals, structuring deal terms, and securing public/private financing.

In 1994, Mr. Kosmont conceived of and created the Kosmont-Rose Institute *Cost of Doing Business Survey*®, recognized as the industry standard for comparing city taxes and economic incentives. The Survey covers over 400 cities in 50 states, and is published annually by Claremont-McKenna College. In 1996, he was named Commercial Real Estate Service Professional of the Year by the Los Angeles Business Journal.

Mr. Kosmont is a registered Municipal Advisor with the U.S. Securities and Exchange Commission, a licensed real estate broker in California, a designated Counselor of Real Estate, CRE®, and has served on:

- California Association of Local Economic Development (CALED) Advisory Board
- California Redevelopment Association (CRA) Board
- City of Hawthorne Redevelopment Oversight Board
- Los Angeles City Commissioner - Industrial Development Authority
- MWD Board (represented City of Los Angeles)
- State Commissioner - California Economic Development Commission
- USC Lusk Center for Real Estate – Board of Directors

Mr. Kenneth K. Hira will be Project Manager and point of contact for day to day communication and management of the assignment.



Kenneth K. Hira serves as Senior Vice President for Kosmont Companies. An expert in retail development and strategies for retail attraction, Mr. Hira has nearly 20 years of varied experience in virtually every aspect of real estate financing, downtown revitalization, acquisition, entitlement, development, asset management and disposition. Mr. Hira's expertise is in identifying retail tenants and negotiating retail and mixed-use projects that can revitalize communities and assist in economic development/tax generation programs.

A former Executive Vice President of the Irvine-based mixed-use developer, Pacific Century Commercial, Mr. Hira managed a portfolio of over \$100 million of retail sites, while operating the commercial division of the company. Prior to this, as a Managing Director of Acquisitions for Westrust and a Vice President of Development at Lewis Retail Centers, he evaluated and underwrote hundreds of acres of land, successfully captured and negotiated anchor tenant commitments creating \$60 million of value in ground-up development and redevelopment, and was responsible for 800,000 square feet of retail entitlement, design and development. As Vice President of GMS Realty, Mr. Hira entitled one million square feet of retail development projects, as well as led the acquisition of 24 neighborhood and community shopping centers, totaling 3.3 million square feet and valued at \$375 million, and organized a \$287 million recapitalization.

Mr. Hira holds a Bachelor degree in Economics and Business from UCLA, and is an active volunteer leader of the International Council of Shopping Centers. He serves as the ICSC Southern California State Director, while previously serving as the ICSC Program Committee Chair and Alliance Co-Chair, advocating public-private partnerships. Mr. Hira is a registered Municipal Advisor with the U.S. Securities and Exchange Commission (SEC).

ADDITIONAL SUPPORT STAFF

This project may also include of a combination of the following support staff.



Susan Perry, Esq., is a Partner with Kosmont Companies. With 20 plus years of experience in real estate transactions, land use and planning, Ms. Perry manages complex assignments involving asset due diligence, entitlements and public approvals on behalf of a broad range of private sector clients. Ms. Perry is Kosmont Companies' principal project liaison to private sector corporations, public agencies, developers, lenders, non-profits and REITs.

Ms. Perry is an attorney and a member of both the State Bar of California and the American Bar Association and a registered Municipal Advisor with the U.S. Securities and Exchange Commission (SEC). She has served as President of the Southern California Development Forum and remains on SCDF's Advisory Board. She holds a Bachelor of Arts degree from University of Kansas and a Juris Doctor from Northrop University School of Law.



C. Wil Soholt, Senior Vice President at Kosmont Companies, functions as the firm's financial and investment strategist for public-private deals. Prior to joining Kosmont Companies, Mr. Soholt managed more than 25 redevelopment projects with an aggregate project cost of \$140 million. Mr. Soholt's analytical capabilities extend to economic and geographic modeling, feasibility modeling, acquisition strategies, demographic projections, and data mining. Mr. Soholt has a talent for consensus building, creative problem solving, and identifying opportunities to capture hidden value.

Mr. Soholt holds a Master of Business Administration from Pepperdine University and a Bachelor of Science in Urban Planning and Real Estate Development from the University of Southern California. He is an instructor in Real Estate Development Finance for the California Association of Local Economic Development (CALED).



Dan Massiello is a Senior Vice President – Public Finance with Kosmont Companies. Massiello brings over 20 years of professional experience in the Public Finance industry to Kosmont Companies. Mr. Massiello started his career with an east coast financial advisory firm, and has been an investment banker in CA for 13 years. Mr. Massiello has structured and brought to market over \$4 billion of new money and refunding transactions to market for Cities, Redevelopment Agencies, School and Community College Districts and Special Districts. Successfully completed transactions include General Fund Financings (Certificates of Participation), Tax Increment, General Obligation, Installment Purchase, Lease Revenue, Revenue, Special Tax, and Sales Tax supported financings. A significant portion of these transactions involved unrated and challenging credits, which have garnered Mr. Massiello the ability to engineer well-structured and marketable financing vehicles that consistently meet his clients' financing goals and objectives.

Mr. Massiello earned his BS in Management/Finance from the State University of New York-Binghamton and held Series 24, 7, and 63 FINRA Licenses while employed by a Broker/Deal (currently inactive).



Ryan Aubry, LEED Green Associate, Senior Vice President with Kosmont Companies, has over ten years experience in the detailed analysis of infill development. He has worked with various governmental organizations on planning and development issues relating to infill development, as well as with private developers. He has worked closely with the City of Los Angeles Planning Department, the County of Los Angeles Planning Department, and the Los Angeles Community Redevelopment Agency. Recently he served as a project manager for a development firm focusing on workforce housing in the City of Los

Angeles, where he was involved in the development of nine infill condominium and town home projects as well as assisting with acquisition strategies. As a real estate consultant, Mr. Aubry has been involved in the underwriting of many property types including multifamily apartments, retail

malls, urban hotels, and infill residential development. He is adept in using Geographic Information Systems (GIS) for the analysis of transit oriented development and other project types.

Mr. Aubry holds a Master's in Real Estate Development from the University of Southern California, as well as a Masters degree in Geography from the University of California Santa Barbara. Mr. Aubry is a member of the Urban Land Institute. He is also a registered Municipal Advisor with the U.S. Securities and Exchange Commission (SEC).



Joseph Dieguez is a Vice President with Kosmont Companies, serving clients primarily through market and financial analyses, fiscal impact and economic benefit studies, transaction due diligence, government management services and marketing efforts. Prior to joining Kosmont Companies, Mr. Dieguez served as a senior analyst at a real estate investment, development and finance firm and as an analyst at a financial services management consulting firm, responsible for industry, market, portfolio and property-level research and analysis, negotiation and transaction execution support. Mr. Dieguez was previously an assistant project manager at a construction management firm, where he assisted with RFQ/P development and project implementation.

Mr. Dieguez graduated with a Bachelors of Science degree in Mechanical Engineering from the Massachusetts Institute of Technology and is a Real Estate Salesperson licensed by the State of California Department of Real Estate and a registered Municipal Advisor with the U.S. Securities and Exchange Commission.



Mr. Chris Jicha is a Senior Consultant with Kosmont Companies. He brings a wealth of understanding both municipalities and real estate markets with an exceptional understanding of inland California cities. Mr. Jicha's expertise ranges from building and guiding economic development departments and programs to business development. His 12 years of experience as a businessman and entrepreneur along with 6 years experience with a County municipality creates a unique blend of experience to serve his clients. Mr. Jicha has been involved in 7 business acquisitions and relocations as an entrepreneur and provided site

selection, incentives, workforce development and project entitlement & permitting services to large corporations and businesses.

Currently, Mr. Jicha focuses on providing real estate and development advisory services including highest & best use studies, market analysis, retail demand studies, and financial analysis/valuation and implementation strategies for municipalities in Southern California.



Murtuza Razavi, is a Project Analyst with Kosmont Companies. His focus is on analyzing public policy, real estate, and public finance related issues as they pertain to the development process. Prior to joining Kosmont Companies, Mr. Razavi worked for the CMBS Originations group at Cantor Fitzgerald in Century City. He underwrote over \$300 million of new CMBS issuances across all property types and performed due diligence on loan borrowers. He was also responsible for creating credit memos for committee approval prior to funding dates.

Mr. Razavi graduated from the University of Southern California's Marshall School of Business with a bachelor's degree in Finance.



Peter Evenson, a Project Analyst with Kosmont Companies, focuses on real estate, financial analysis, economic research, land use, market analysis and various marketing strategies. Prior to joining Kosmont Companies, Mr. Evenson worked in business development for the University of Southern California focusing on fiscal reporting and analysis, securing external funding, overseeing budget contracts and grants, and project management. He provided in-depth viability studies and prepared operating budgets, capital budgets, income re-projections and business plans for projects in excess of \$15 million.

Mr. Evenson holds a bachelor's degree in Business Administration from Chapman University and a Professional Certificate in Contracts and Grants from the University of Southern California. He is the President of a Culver City Toastmasters group and is currently in the process of becoming a licensed Real Estate Salesperson in California.



ADDITIONAL INFORMATION

Client may require additional consulting services from Kosmont at the completion of the PMP Tasks 1 and 2 as identified in the Scope of Work on pages four and five in order to achieve the most desirable outcome possible throughout the dissolution process.

If so, Kosmont Companies with Kosmont Realty Company (our full service brokerage and financing firm), is teamed with Auction.com, the nation's leading online real estate marketplace. In response to the need for extensive market pricing intelligence, transaction transparency, broad exposure to a qualified pool of buyers, and expansive market data in all property and note product types to produce a PMP, Kosmont incorporates the market experience that Auction.com provides, which comes from managing over \$21 billion in completed internet transactions. The blend of redevelopment dissolution experience and an extensive transactional database provides our PMP Transition Team with a hands-on, experience-based approach to determine value ranges, and ultimately select appropriate strategies and teams to market the assets to a broad and qualified pool of potential buyers.

EXCEPTIONS TO THE PROPOSED AGREEMENT

Ricca Charlon at the direction of Consultant Jim McRea, informed us via email on July 30, 2013 that the Consultant Agreement is not currently available. Therefore, if selected, Kosmont reserves the opportunity to review and comment on the Consultant Agreement.

DBE/UDBE Forms 10-01 & 10-02

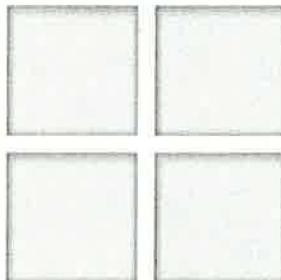
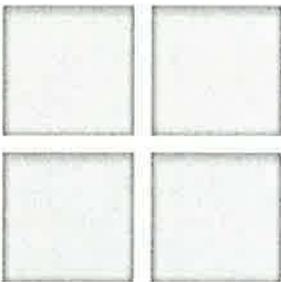
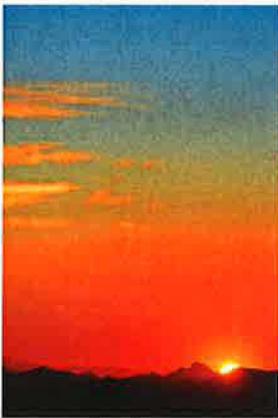
Ricca Charlon at the direction of Consultant Jim McRea, informed us via email on July 30, 2013 that the DBE and UDBE forms are not required for this proposal.



SUCCESSOR AGENCY FEE PROPOSAL

CITY OF RIDGECREST

*Development of a Property Management Plan
for the Successor Agency of the City of Ridgecrest*



FEE PROPOSAL

Development of a Property Management Plan (PMP) for the Successor Agency of the City of Ridgecrest in Compliance with Assembly Bill No. 1484

COMPENSATION

Compensation for services under Tasks 1 and 2 on pages four and five in the Project Proposal is will not exceed \$15,000 which will be billed on a time and materials basis. This quote is subject to verification of Property List which has not yet been provided by the City/SA. It is problematic to provide a closed end Bid without confirming number and type of properties.

Reimbursement of Costs

Services will be invoiced monthly at Consultant's billing rates, as shown on Attachment A. Invoices will include reimbursement for out-of-pocket expenses such as travel and mileage (provided that there shall be no overnight travel without the Client's prior approval and that mileage shall be reimbursed at Consultant's normal mileage reimbursement rate of 56.5 cents per mile), professional printing, conference calls, and delivery charges for messenger and overnight packages at actual cost. Out-of-state travel requires advance funding of flights and hotel accommodations.

Consultant will also include in each invoice an administrative services fee to cover in-house copy, fax, telephone and postage costs equal to four percent (4.0%) of Consultant's monthly professional service fees incurred. Any unpaid invoices after 30 days shall accrue interest at the rate of 10% per annum.



ATTACHMENT A

Kosmont Companies 2013 Public Agency Fee Schedule

Professional Services

President & CEO	\$295.00/hour
Partner/Senior Vice President/Senior Consultant	\$225.00/hour
Vice President/Associate	\$185.00/hour
Project Analyst	\$150.00/hour
GIS Mapping/Graphics Service/Research	\$ 95.00/hour
Clerical Support	\$ 60.00/hour

- **Additional Expenses**

In addition to professional services (labor) fees:

- 1) An **administrative fee** for in-house copy, fax, phone and postage costs will be charged, which will be computed at four percent (4.0 %) of monthly Kosmont Companies professional service fees incurred; **plus**
- 2) **Out-of-pocket expenditures**, such as travel and mileage, professional printing, and delivery charges for messenger and overnight packages will be charged at cost.

- **Charges for Court/Deposition/Expert Witness-Related Appearances**

Court-related (non-preparation) activities, such as court appearances, depositions, mediation, arbitration, dispute resolution and other expert witness activities, will be charged at a court rate of 1.5 times scheduled rates, with a 4-hour minimum.

Rates shall remain in effect until December 31, 2013

PROPOSAL FOR LONG-RANGE PROPERTY MANAGEMENT PLAN SERVICES

CITY OF RIDGECREST SUCCESSOR AGENCY



RSG

INTELLIGENT COMMUNITY DEVELOPMENT

ROSENOW SPEVACEK GROUP, INC.
309 W 4th St, Santa Ana, CA 92701



T 714.316-2128
F 714.541.1175

Jim Simon, Principal
jsimon@webrsg.com

August 12, 2013



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INTELLIGENT COMMUNITY DEVELOPMENT

ROSENOW SPEVACEK GROUP INC. T 714 541 4585
309 WEST 4TH STREET F 714 541 1175
SANTA ANA, CA E INFO@WEBRSG.COM
92701-4502 WEBRSG.COM

August 12, 2013

Gary Parsons, Economic Development Manager
CITY OF RIDGECREST
100 West California Avenue
Ridgecrest, CA 93555

LONG-RANGE PROPERTY MANAGEMENT PLAN SERVICES

Dear Gary:

Rosenow Spevacek Group, Inc. ("RSG") is pleased to present this proposal for consulting services to the City of Ridgecrest Successor Agency ("Successor Agency") to prepare the Long-Range Property Management Plan. For over 33 years, RSG has provided a variety of community development services to California cities, including Ridgecrest.

No doubt about it – the dissolution process is very frustrating, and our 95 clients each have their own stories of pitfalls. Since April 2013, only a handful of PMPs have been fortunate to be anointed by the Department of Finance for approval. Many cities continue to struggle with translating their redevelopment objectives in the DOF's parlance – which is entirely focused on maximizing value for school districts and curtailing any silver lining for former RDAs.

It can be tempting for successor agencies to leverage these PMPs into broader economic development strategies, but there is no evidence that DOF will accept such a proposal that deviates from the strict application of the code and their vague practices. You also have to contend with real estate brokers who claim to have your best interests in mind, but are more interested in getting a sales commission than getting your PMP approved and your local economic development goals maximized.

RSG's clients tell a different story – they see us working hardest toward getting them through the DOF process, coming up with new ideas on how to present their case effectively, and ultimately focusing on their opportunities rather than ours. It's been mutually beneficial, RSG's growing faster than we have in the past three years, but more importantly our clients are transforming the way they do economic development, understand their fiscal priorities, and leveraging real estate assets and finding new ways to incentivize revitalization. But first, you need to get your PMP approved and RSG can do this better than anyone.

Sincerely,
ROSENOW SPEVACEK GROUP INC.

Jim Simon
Principal / California Corporate Broker's License DRE #01930929



EXPERIENCE AND QUALIFICATIONS

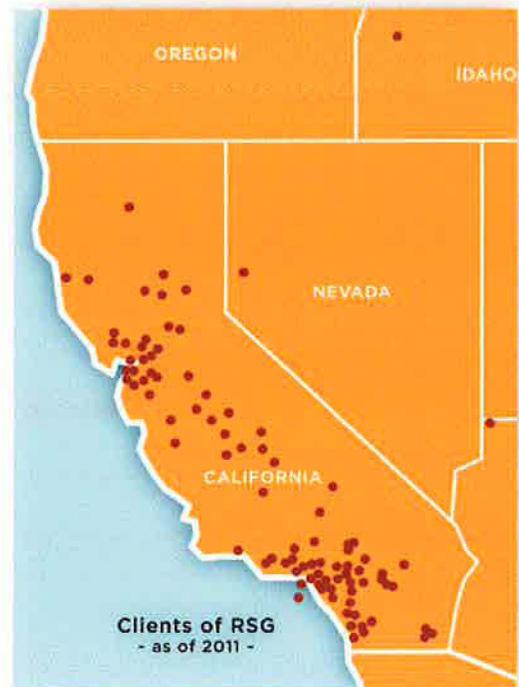
Rosenow Spevacek Group, Inc. (RSG) serves as trusted advisors providing reliable information and thorough analyses to local governments and private entities. Founded in 1979, our firm offers a variety of community improvement, management, financial, real estate, and affordable housing services. Our value-added offerings help clients address and solve their most pressing challenges.

Our diversified client portfolio includes a mix of local governments and private entities:

- ◆ We serve approximately 100 public agencies each year including cities, counties, special districts, and LAFCOs.
- ◆ Our private clients include developers, home builders, investors, and business owners.

We are retained not only to study and analyze, but also to help create implementable solutions and deliver meaningful outcomes to make our clients more effective and efficient.

Our success is built around a passionate and talented team of analysts, planners, GIS experts, former public sector employees, organizational development experts and real estate professionals. Our team strives to understand each client's unique situation and then formulates the most comprehensive and implementable solutions possible. In the end, we provide our clients with value. Our value has helped cities incorporate, communities re-vision their service models, families find affordable neighborhoods, and



developers build communities that provide employment opportunities and generate revenue. It's Intelligent Community Development in whatever form or need requested by our clients.

RSG's products and service offerings are built around our five core competencies:

- ◆ Community Investment and Improvement
- ◆ Local Government Solutions
- ◆ Financial Analysis
- ◆ Real Estate and Development
- ◆ Housing

MISSION STATEMENT

"RSG creates solutions to enhance communities' physical, economic, and social future."

CORE VALUES

All of our work aligns with our core values – they define who we are as people, how we can be expected to work, and what our clients can expect from our consulting services. These include:

- ◆ *Social and community responsibility*
- ◆ *Creativity and innovation*
- ◆ *Excellence in products and services*
- ◆ *Honest and ethical behavior above all else*

CORPORATE INFORMATION

Rosenow Spevacek Group, Inc. is a California-based, Subchapter "S" corporation. Founded in 1979, the firm provides a wide array of community development consulting services to local government organizations and private entities. Ownership is divided among six shareholders, five of whom are active in the day-to-day consulting assignments for our clients, including Principals Kathleen Rosenow, Felise Acosta, and Jim Simon.

Our corporate offices are located in Santa Ana, California, with a satellite office in Julian, California. Most of our employees work out of our Santa Ana office, although we have several employees working from remote offices in San Francisco, Sacramento, and San Diego.

In order to deliver real estate asset management services to our clients, our firm maintains a corporate brokers license (CA DRE #01930929), and have one licensed broker and one licensed sales person on staff.

RSG STAFF

RSG has a staff of 18 consulting staff, exclusive of sub-consultants for IT/IS, accounting and marketing/graphic design. A breakdown of our staff is presented on the following page.

Professional Staff	
Principals/Partners	3
Directors	1
Senior Associates	5
Associates	2
Senior Analysts	4
Analysts	-
<u>Research Assistant/Technician</u>	<u>3</u>
Total Professional Staff	18

RSG Academy (How We Train)

We believe you need to trust the specific skills and aptitudes of your consultants, and not simply assume your consultants are fully capable of performing to your standards. To that end, RSG has developed a multifaceted training program for staff development called RSG Academy. Though most of our professional staff have masters degrees, all RSG consulting staff is required to participate in this training program which involves 42 two-hour modules (84 hours) involving market analysis, management, report writing, financing, real estate, construction, and other technical and business skills. The Academy has been recognized by our clients and professional associations, and RSG has delivered these same trainings to these external groups as well.



More information on RSG Academy may be found on our website: www.webrsg.com.

Resource Allocation (How We Work)

With a large staff of consulting professionals, RSG must manage staff allocation regularly to ensure that our clients experience consistent, timely, and high-quality services. We do this on an ongoing basis, starting with training our staff before assigning them to any project for which they must provide service. Each month, all employees submit a forecast of their three-month workload, developed in collaboration with supervisors, to our resource management team that reviews overall hourly commitments and assigns staff accordingly. When we respond to a proposal, we consider the expertise needed as well as the availability of personnel, and make assignments at that stage – even before we get a contract. This early commitment of resources minimizes the personnel turnover on engagements so our clients have a consistent team of consultants working on their project.



Project Management (How We Manage)

For every project, RSG assigns a Project Manager to work with the Principal to complete the project. The functions of the project managers are to work closely with RSG's Principals throughout the process, maintain and control all aspects of the detailed schedule, review documents for quality control, follow up as needed with client staff, and coordinate the activities of RSG's consulting team.



All RSG Project Managers have received management training, mentoring, and must be proficient in the required technical skills needed for a specific project to be assigned as the Project Manager.

What We Do

RSG has extensive experience assisting local agencies, cities, and counties with property disposition as part of our real estate services to improve the utilization of land while meeting the housing, retail, and/or public needs of the community. Immediately recognizing the importance of land held by many clients, RSG drafted some of the first disposal procedures adopted by successor agencies and oversight boards to ensure these assets were thoughtfully addressed in a way that maximizes value, and not through a “fire sale”.

RELEVANT EXPERIENCE - REAL ESTATE AND DEVELOPMENT

In total, RSG has analyzed nearly \$50 billion in real estate development, resulting in the construction of over 11,000 residential units, 4,250 hotel rooms, and over 100 million square feet of commercial, industrial, office, retail, and mixed-use buildings.

RSG brings a wealth of knowledge in the real estate and development fields – not only from our extensive experience in providing these services, but also through our first-hand experience in real estate brokerage, investment, development, construction, entitlements, and project design. Not only do our real estate professionals work with a broad spectrum of projects for the firm, they also keep abreast of the latest industry trends through professional associations such as the Urban Land Institute, International Council of Shopping Centers, California Realtors Association, as well as other local organizations. Formulating innovative solutions, attention to detail, and adherence to project schedules are signatures of our service.

MARKET ANALYSIS AND RESEARCH

RSG conducts detailed economic and market research using reliable industry data resources corroborated by first-hand field research and local market evaluations to identify viable implementation strategies and investment opportunities. Identification of niche market opportunities for local communities based on consumer preferences and research, and an understanding of long-term demographic and land use trends are areas of expertise for RSG. As an alternative to traditional market studies, RSG is also working to pioneer the development of trends analysis, which are market studies analyzing local economic drivers over a longer period of time in order to align strategic planning with land use policies.

SITE ASSESSMENT AND POSITIONING

RSG brings a highly experienced consultant team comprised of former real estate investors, developers, and public sector officials, who are skilled in performing land use programming, highest and best use analyses, property valuation analyses, and feasible development strategies. RSG also specializes in repositioning existing assets and formulating reuse strategies to reinvigorate communities and provide new revenues to municipalities.

PROPERTY DISPOSITION

RSG understands how to effectively stimulate interest from highly experienced and financially capable developers. The firm is experienced in formulating viable disposition strategies and executing creative marketing outreach to the private development community to ensure the successful implementation of those strategies. When it is time to make a deal, there is no substitute for knowledge, creativity and experience in negotiating agreements on behalf of public agencies. RSG has the requisite knowledge and extensive experience necessary to bring complex public-private transactions to fruition, including disposition and development agreements, owner participation agreements, long-term ground leases, as well as required legal documents (including Health and Safety Code Section 33433 Summary Reports).

PROPERTY ACQUISITION

RSG offers full-service real estate acquisition services. From site identification to tenant relocation (once a property has been acquired), RSG is truly a one-stop shop for clients who wish to simplify the acquisition process. We offer services related to site selection, valuation analyses, negotiations, hazardous material surveys and removal coordination, escrow coordination, condemnation process coordination, and tenant relocation.

FISCAL AND ECONOMIC IMPACT

In many circumstances, understanding both the big picture and importance of a single project is critical. Other times, the big picture is the project. Public agencies and private developers look to RSG when they need to know the ongoing municipal revenues and service costs, employment, community benefits, and secondary impacts of a development project or land use plan.

LAND USE ECONOMICS

Key to the success of many land use plans (such as general plans, specific plans, and corridor strategies) are their market viability and economic feasibility. RSG is experienced in analyzing and determining the land use economics for such plans, and recommending alternatives and changes were necessary.

PROJECT TEAM QUALIFICATIONS

The individuals assigned are trusted advisors in market and trends analyses, project financing, affordable housing, developer negotiations, property acquisitions, and the implementation of development projects. This engagement will be lead by Jim Simon, Principal, serving as Project Manager. With over 20 years of experience advising municipalities on real estate investment and economic development, Mr. Simon has developed an impressive history of development projects including public/private partnership development, hotel and mixed use transactions, and retail attraction and retention programs. Assisting Mr. Simon on this project, Alexa Smittle currently provides financial and economic development advisory services to the cities of Westminster, San Carlos, and Dana Point. Ms. Smittle is a member of the CRA Tech Committee,

Mr. Jim Draughon, Director, will assist in the capacity of advisor and product review; with over 28 years of experience in both the public and private sectors and a licensed real estate broker (DRE No. 011326693), Mr. Draughon is highly experienced in the areas of real estate economics, property valuations, development programming analyses, and implementation strategies. Mr. Draughon also oversees real estate licensees that work for the firm.

Complete resumes for all assigned staff are presented on the following pages. Other support and research may be conducted as needed by our team of over 18 consultants at RSG.

JIM SIMON

Principal

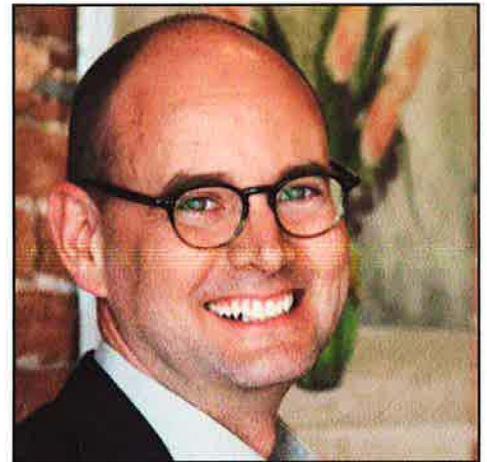
Jim Simon joined RSG in 1991 and has served as a Principal and shareholder since 2001. Mr. Simon's expertise lies in the areas of economic development strategies, local government fiscal and management studies, real estate pro forma and market analysis, and other community development strategies and implementation initiatives. As a Principal, Mr. Simon leads and oversees engagements, ensures product quality, and is the primary contact person on his assignments regardless of size

Mr. Simon has worked on more than ten economic development strategies, analyzed financial and market aspects of over \$500 million in development in the last ten years, and aided in the incorporation or annexation of over a dozen communities. Mr. Simon's work includes a wide range of public and private sector clients, from private developers in Boise, Idaho, to the City of Los Angeles, to the small town of Holtville on the Mexico-California border. Mr. Simon's clients include local government agencies and for-profit developers. His assignments are geographically diverse in locations throughout Northern California and Nevada as well as Southern California.

Recent Engagements

- Performed economic impact analysis on the development in south Los Angeles of a Kaiser Permanente medical office project announced in May 2012.
- Negotiated and structured terms and conditions of a workforce housing development in Goleta which was recognized by the American Planning Association's Central Coast Chapter as a "Hard Won Victory."
- Collaborated with city staff in the preparation of Oroville's 2012 Business Assistance Program grant application by providing market analysis to support the application and program planning.
- Led the RSG team in an analysis of real estate market conditions and other assumptions employed by the Los Angeles County Assessor's office in their 2012-13 property value forecast.
- Provides ongoing economic development consulting services to the City of Westminster following completion of their Economic Development Strategy.
- Conceived and led long-term financial projections for City of Grand Terrace to help demonstrate to elected officials the challenges of structural deficits that lead to short term alterations of service levels.

Mr. Simon works to understand his clients' goals and needs, and adopts those as his own. To best serve his clients, he translates their goals into performance metrics to assure the highest quality work product. He uses the word "we" when referring to clients, and embeds in his assignments an understanding of what the client is ultimately trying to achieve and how the RSG team can add the most value to that end.



Education

- BA, Business Administration - Entrepreneurial Management Concentration, California State University, Fullerton, 1991

RSG Academy

- Consulting: The RSG Way
- Management and Supervision
- Analysis 101
- Real Estate and Market Analysis

Professional Memberships & Certifications

- California Association for Local Economic Development
- CALED 2012 Annual Conference Steering Committee
- California Association of Local Agency Formation Commissions
- Former Planning Commissioner, City of Laguna Niguel
- Former Environmental Review Board Member, City of Laguna Niguel

JIM DRAUGHON

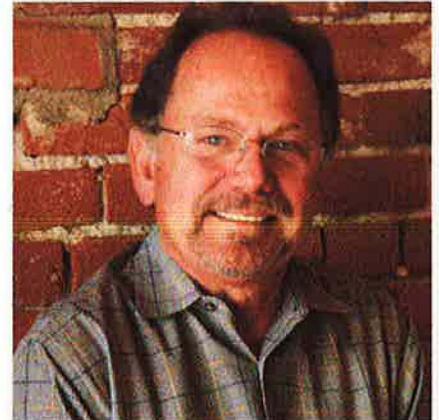
Housing Manager and Director

Jim Draughon has over 30 years of professional experience in real estate development and redevelopment activities. His experience is equally distributed between private sector development, public sector redevelopment, and private real estate consulting services to public agencies. Before joining RSG in 2006, Mr. Draughon served as Program Manager for the Tustin Redevelopment Agency, responsible for negotiation of property acquisitions and disposition agreements, and for management of the Agency's administrative, reporting, and monitoring activities. He previously served as the Senior Negotiations Officer for the San Jose Redevelopment Agency, responsible for real estate development activities in the Downtown Project Area, and was the lead real estate asset development consultant to the County of Angeles where he was responsible for the development of over 8.5 million square feet of public/private development under long-term ground leases. Mr. Draughon has managed large-scale urban mixed-use public-private developments in San Jose and downtown Los Angeles, as well as small-scale infill housing developments in suburban and rural cities throughout California.

Mr. Draughon manages RSG's housing-related services to assist clients in the areas of affordable housing and urban infill development. He serves as project manager for a variety of housing and real estate economics assignments, including development programming analyses, preparation of affordable housing strategies, implementation of housing programs and projects, and negotiations of disposition and development agreements to fulfill our public agency client's real estate and housing needs. His broad and diverse development experience enables him to use his technical expertise to identify creative solutions for achieving the development objectives of RSG's clients.

Since joining the firm, Mr. Draughon has prepared affordable housing implementation and development programming strategies for the cities of Agoura Hills, Corona, Irvine, Oroville, San Carlos, San Jacinto, Soledad, and Victorville. He has also performed market evaluations, financial feasibility analyses, and developer negotiations for affordable housing projects including 9% and 4% tax credit projects in the cities of Apple Valley, Atwater, Chula Vista, Corona, Downey, Duarte, Irvine, Poway, Porterville, Santa Clarita, Victorville, and Westminster. Mr. Draughon recently updated the inclusionary housing ordinances in the cities of Agoura Hills and San Carlos, including the preparation of detailed residential nexus studies in order to substantiate the affordable housing impacts associated with developing market rate housing units. He also prepared the affordable housing monitoring manual and initiated the monitoring program for the City of Carson, as well as prepared Reuse Valuations and Section 33433 Summary Reports for the disposition of Agency-owned properties for a number of the jurisdictions identified above.

Mr. Draughon enjoys the diverse assignments associated with RSG's public sector consulting services, particularly the challenges arising from the increasing complexities of the legal and financing constraints imposed on affordable housing development. He feels that the challenges are what spark the imagination, which lead to innovative solutions and keep the work immensely interesting and fulfilling.



Education

- BA, Environmental Design (Major), Public Administration (Minor), California State University, Fullerton, 1976
- Graduate Studies, Landscape Architecture, California State Poly University, Pomona, 1979

RSG Academy

- Consulting: The RSG Way
- Management And Supervision
- Analysis 101
- Affordable Housing
- Real Estate And Market Analysis
- Development And Construction

Professional Memberships & Certifications

- California Licensed Real Estate Broker (No. 011326693)
- California Main Street Association

ALEXA SMITTLE

Senior Associate and Shareholder

Alexa Smittle joined RSG in 2005 and is currently a project manager serving clients throughout the State of California. During her time at RSG, Ms. Smittle has helped communities explore the policies and potential initiatives which influence economic development efforts, from long term strategies to neighborhood market studies. Ms. Smittle's other work has focused on municipal finance and service provision as well as developing expertise in fiscal impact modeling for sustainability forecasts and new development proposals. Her favorite endeavors are projects that provide clients with insight on funding options and local economic growth opportunities that best fit their community.

Recent Engagements

- Developing the General Plan Economic Development Element and subsequent implementation strategy for Dana Point, a small coastal community, focused on tourism and quality of place planning.
- Working with a non-profit builder to develop selection criteria and identify potential sites in Orange County for efficient structure rehabilitation to facilitate emergency shelter for young families and increase competitiveness for funding following policy changes at HUD.
- Recently completed Phase 2 of a three-phase effort to incorporate economic planning into a broader General Plan update process for the City of Carlsbad, that includes identifying economic trends in development, tourism and recreation, quantifying fiscal impacts of different land use changes, and finally developing an economic development element.
- Evaluated the market capacity for development of a proposed unique commercial land use, and determined potential associated revenues to create an annexation feasibility study of a substantial but geographically challenging area, inclusive of policy recommendations for the City of Sparks (Nevada).
- Completed a market study for 12 million square feet of Class A business park in Sparks, Nevada as part of a 1.2 million acre master planned community. The proposed office park is intended to house research and development laboratories and offices, and as such required not only an analysis of the competitive real estate market, but significant research into job clusters and trends in those industries.

Ms. Smittle maintains close ties to the UCI Urban and Regional Planning master program, working with individual students on thesis projects as well as delivering "Local Government 101" lectures to classes. She also recently served on a Technical Advisory Panel for the Urban Land Institute's Young Leaders Group in Orange County, which provided a local non-profit with a how-to guide on searching for and selecting properties that better meet the needs of the children it serves. She looks forward to new relationships, projects, and opportunities as communities all across California strive to provide quality lifestyles for residents and businesses.



Education

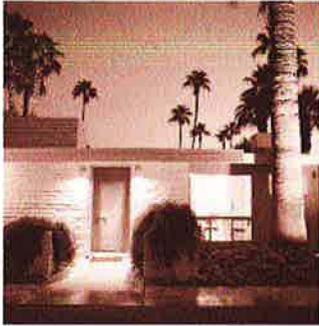
- Master of Urban and Regional Planning, University of California, Irvine, 2005.
- BS, Regional Planning, University of Arizona, 2000.

Training & RSG Academy

- IEDC; Business Development and Retention Management
- CallAFCo University: Fire District Consolidation
- Management and Supervision
- Property Tax
- Real Estate and Market Analysis
- Development and Construction

Professional Memberships, Certifications & Activities

- Urban Land Institute
- California Community Economic Development Association
- California Association for Local Economic Development
- CRA Technical Committee Member
- Panelist - Building Industry Association, Orange County
- Panelist - Association of California Cities, Orange County



SCOPE OF SERVICES

1.0 Kickoff Meeting

The RSG consulting team will meet onsite with staff to see the subject properties, review pending offers and/or development proposals, collect information on the sites and discuss the Successor Agency's requirements and goals for site disposition and development.

2.0 Create an Inventory of all Successor Agency Properties

According to staff, the former Ridgecrest Redevelopment Agency ("RDA") holds title to 33 parcels in trust that it will need to analyze for purposes of this property management plan. RSG does not want to needlessly burden staff, so only after obtaining all available information from the City's website and other credible sources (such as the County Recorder and our own title company partners), RSG will work with City staff to confirm ownership and develop a detailed inventory that would be utilized to assess market value and provide necessary documentation to the Department of Finance. The inventory would include, at a minimum, the following for each property:

1. Location, site/parcel, and aerial map,
2. General Plan and Zoning designations,
3. Sales/use history of property (including development proposals and rental/lease activity),
4. Environmental information to determine history and current status,
5. Tenant status/potential for relocation obligations,
6. Estimate of lease, rental or other revenues generated by the property and the contractual requirements of these funds,
7. Original purpose for acquisition of property,
8. Original acquisition price/value,
9. Title Reports (coordinate securing and review of title reports to determine encumbrances such as easements),
10. Description of property's potential for transit-oriented development and the advancement of the planning objectives of the Successor Agency,
11. Fund type to acquire property (i.e., tax exempt bonds, tax increment), and
12. Current appraisal, if available (or value estimate to be prepared by RSG, per Task 4).

3.0 Data for Transfer of Properties Under Governmental use Clause

According to Successor Agency Staff, 5-7 properties could be transferred to a public agency as a governmental use. The oversight board may direct the Successor Agency to transfer ownership of assets that were constructed and used for a governmental purpose to the appropriate public jurisdiction. RSG will collaborate with City staff to document public use. Based on DOF inquiries, this might include obtaining deeds, obtaining specific agreements relating to the properties, explaining the purpose for which the property was acquired, or reviewing past Specific Plans, Implementation Plans, or other documents related to the properties. This proposal assumes that due to number of properties involved, it is logistically easier to handle disposition through the Property Management Plan. However, the Successor Agency does have the option to take each property individually to the Oversight Board for transfer if it so chose. The pros and cons of this can be discussed with staff (who was not available at the time this proposal was prepared); RSG could modify this scope if necessary.

4.0 Assess and Value all Properties to be Sold or Retained for Economic Development Purposes

For properties that cannot be transferred as a public use, RSG will determine the current market value using research with local brokers and listings, comparable sales information, and land residual analyses. RSG will interview local brokers to corroborate statistics and test the accuracy of our conclusions, as well as discuss other insights into the specific market conditions in the areas of the subject properties. Our data will be analyzed and summarized in tables and charts for presentation to staff and ultimately inclusion in the Plan. RSG will make recommendations on the potentially supportable uses for the sites and discuss the market data with staff that supports our recommendations.

5.0 Market Strategies for Disposition and Implementation Assistance

Data from Task 4.0 above would be reviewed and analyzed by RSG staff to better understand the competitive economic environment, growth patterns, land use issues and planning opportunities. RSG would prepare a simple construction and land residual pro-forma model incorporating industry standard construction costs and local adjustment factors (as reported by Marshall & Swift, City exactions and fees, and other specific on-site and off-site development costs) for development scenarios for each commercial site, where warranted. This data may be employed to determine market feasibility, and assist in the marketing and disposition of the properties.

6.0 Prepare & Present the Long Range Property Management Plan

RSG will prepare a streamlined Plan consisting of the required parcel database to satisfy the requirements of Health and Safety Code Section 34191.5(c)(1) that may be adopted by the Successor Agency and/or the Oversight Board. This basic data will be augmented by valuation information, as well as strategic disposition options for those properties to be sold, based upon market conditions site-specific strengths and weaknesses. Finally, the Long Range Property Management Plan will contain a variety of appendices of collected data to provide the Department of Finance with as much information as possible. We have been working with several communities around the state with similar engagements, and have insight into the types of information the Department of Finance has been collecting.

7.0 Respond to Follow-up Questions from the Department of Finance

As the process for approval of these Long Range Management Plans is only now beginning to unfold, we anticipate there will be changes in "best practices" in the coming months. RSG will work to ameliorate as many of these issues as we can prior to submittal of the Plan, but suspect some follow up with the Department of Finance will be required. Our staff has established constructive working relationships with several analysts and supervisors that can clarify some of the complications and nuances of the approval process. In addition, our goal is always to resolve all issues through communication with the Department of Finance prior to reaching the point of a Meet and Confer.

OPTIONAL SERVICES

The following services could be provided should the SA decide they might desire them. At this time they will remain outside the Scope of Services and would only be provided upon request and with additional cost to the SA.

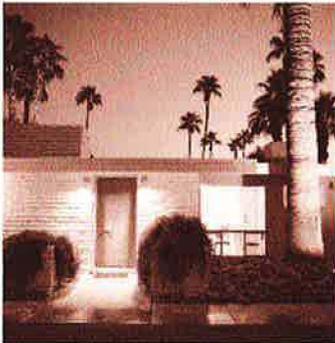
8.0 Prepare for and Attend DOF Meeting (if Warranted)

Despite every effort to communicate with the Department of Finance, a meeting with DOF could become necessary. If this should happen during the Long-Range Property Management review and approval, RSG will assist Successor Agency staff with preparing for the meeting and could attend the meeting if desired.

9.0 Implement Disposition of SA Properties

RSG has over 30 years of experience with real estate transactions of all kinds. In addition, RSG maintains a Corporate Real Estate Broker License and has a broker and agent on staff. The Successor Agency may wish to have RSG assist with the implementation of the Long-Range Property Management Plan and the disposition of properties. This might include:

- Assisting staff with overall project management of the disposition process. RSG will compile a list of potential purchasers/developers for distribution of Request for Proposals for Successor Agency approval.
- Drafting an RFP for Successor Agency Properties that details the desired use for properties and enumerates response time, review procedure and what required materials must be contained in the offer to purchase (i.e., development scheme and time table for development). Once approved, the RFP will be transmitted to list of purchasers/developers as well as disseminated in the public arena.
- Providing broker services as needed to the Successor Agency.
- Assisting staff in initiating and conducting any General Plan/zone change amendments as determined by Strategy's findings.
- Assisting with correspondence and interaction with the County or Department of Finance with regard to the disposition of Successor Agency Properties.



WORK PLAN AND SCHEDULE

The following schedule is an approximation of the expected schedule for this assignment. However, we would be happy to discuss your priorities in detail and adjust the schedule as needed.

Activity	Completion	Deliverables
Kickoff Meeting and Data Gathering	Week 1	Draft outline of action plan and agreed-upon timing
Task 2 – Property Inventory	Week 2-4	Property Database
Task 3 – Public Use Property Research	Week 4-5	Appendices
Task 4 – Value Properties for Sale	Week 6-7	Value assessment for all for-sale properties
Task 5 – Strategic Marketing Research	Week 8-9	Conference Call with Staff to Discuss Findings
Task 6 – Draft plan	Week 10-12	Draft Long-Range Property Management Plan and approval documents
Task 7 – Respond to DOF Requests	As needed	Correspondence with DOF
Oversight Board Meeting	As scheduled	Power Point
Optional Task 8 – Meet with DOF	As needed	Meet with DOF document packet and attendance at the meeting
Optional Task 9 – Implementation	Ongoing	Varies



FEE PROPOSAL & EXCEPTIONS

A fee proposal for this engagement is provided in a separate sealed envelope as directed by the RFP.

Section III of the RFP asks for any exceptions to the RFP or Consultant Agreement, and signed originals of DBE and UDBE forms. The Consultant Agreement and DBE and UDBE forms were not provided with the RFP. City staff (Jim McRea and Ricca Charlon) informed us that these items are not required as they were misstated in the RFP. RSG does not have any other exceptions to the RFP.



PROJECT & CLIENT REFERENCES

RSG is uniquely qualified to assist with the Successor Agency's dissolution activities, including preparation of the PMP. As an advisor to redevelopment agencies for over 33 years, we are well versed in the nuances of property acquisition, disposition, and redevelopment, including development programming and financing. In order to best serve our clients, RSG has remained at the forefront of legislative changes. We pride ourselves on our ability to provide information and guidance that makes good sense and best positions our clients for the next step. A sampling of recent relevant work is provided below. We invite you to contact our references.

LONG-RANGE PROPERTY MANAGEMENT PLANS

RSG has continued to be at the forefront of changes in California redevelopment, preparing some of the first Long-Range Property Management Plans. This critical part of redevelopment dissolution has provided many questions, and RSG has led the way in finding creative and appropriate solutions.

RSG has prepared, or is in the process of preparing, Long Range Management Plan for numerous agencies in California, many of which previously used RSG for redevelopment services. Clients include Irwindale, El Monte, Twentynine Palms, Fontana, San Bernardino County, and Shasta Lake. Additionally, we have worked with legal counsel to identify a unique approach to property disposition in San Carlos through a Developer Disposition Agreement. Unfortunately, the DOF appears to be reluctant to accept a DDA method for a PMP, based on what has occurred in Imperial Beach and San Carlos.

Listed below are relevant client references.

LONG-RANGE PROPERTY MANAGEMENT PLAN - CITY OF FONTANA

Faced with the potential required disposition of 116 properties, the City of Fontana retained RSG to prepare a Long-Range Property Management Plan for the Successor Agency. This engagement has included:

- A comprehensive review of all agency records and title research to ensure that all required properties were included
- A detailed analysis of comparable sales, real estate market research, and broker surveys to determine the value of each property
- A thorough review of the existing redevelopment plans and five-year implementation plan to isolate those properties needed for planned projects and to provide legally defensible evidence to the California Department of Finance regarding the need to implement these projects
- A review of the City's General Plan and Specific Plans to identify planning objectives for properties
- Coordination with City staff regarding all development proposals related to all properties
- Drafting a comprehensive and detailed report that meets all legal requirements and includes aerial maps and photographs of each property, written in clear, direct language for ease of review for the Oversight Board and the DOF.

The City of Fontana requested that RSG complete the Property Management Plan within a few months, significantly ahead of the DOF deadline, so that the city could continue with several development plans as soon as possible. RSG fulfilled the city's request on schedule and on budget.

David R. Edgar, Deputy City Manager
909.350.6739
dedgar@fontana.org

LONG-RANGE PROPERTY MANAGEMENT PLAN - CITY OF SHASTA LAKE

The Shasta Lake Successor Agency inherited 9 properties from the former Redevelopment Agency. The Successor Agency aimed to submit their Property Management Plan immediately following receiving their Finding of Completion in early-April 2013. RSG worked diligently with Successor Agency staff to meet this deadline and produce a thorough plan that identified properties for disposal, properties to transfer to the City of Shasta Lake, and properties to retain for governmental use. This work included discussions with Successor Agency and City staff, market research, obtaining Title and Deed documents, and reviewing City and Redevelopment Agency Agendas, Minutes, and Resolutions for historical context. The Shasta Lake Property Management Plan was approved by the Successor Agency and Oversight Board and is currently being reviewed by the Department of Finance.

John Duckett, City Manager
530.275-7427
jduckett@cityofshastalake.org

REAL ESTATE CONSULTING SERVICES - CITY OF SAN CARLOS

During the past seven years, RSG has worked with the City of San Carlos on a variety of economic development, affordable housing, and real estate efforts. Projects have included property acquisitions, market analyses, Opinion of Value Reports, financial pro forma modeling, and redevelopment implementation plans. RSG has prepared development programming analyses, conducted developer outreach, performed financial analyses, and reuse valuations to assist in identifying appropriate disposition terms for Agency-owned properties proposed for redevelopment.

Over the last several years RSG has played a key role in the progress of the one of the City's most important projects, Wheeler Plaza. The TOD Project is located in the center of the City's downtown and would redevelop a City owned surface parking lot and six other retail and residential buildings. It includes 108 condominiums, a 451 space parking garage, 19,855 square feet of retail and restaurant space, and a 31 unit very-low income senior tax credit equity project. When RSG was retained in 2006, the project was nearly dead. Through RSG's leadership and project management, the necessary parcels were purchased, a developer was selected through an extensive RFP process, and the former Agency's investment was reduced (while increasing project benefits). A disposition and development agreement was created and is in process through the Department of Finance.

Mark Sawicki, Economic Development and Housing Manager
650.802.4220
msawicki@cityofsancarlos.org

STETSON CROSSING RETAIL CENTER ECONOMIC FEASIBILITY ANALYSIS - HEMET

RSG prepared an economic evaluation of a proposed 167,100 square foot community retail center to be constructed on an 18.2 acre City-owned site in the City of Hemet. The proposed project was to be phased over a five-year period with the phased take down of the City-owned property. The former Hemet Redevelopment Agency requested that RSG identify recent comparable land sales to determine the reasonableness of the developer's purchase price offer, as well as to identify the potential retail sales and property tax revenues that the City would receive from the completed project. In addition, RSG evaluated the proposed financing terms to the City and structured funding alternatives and recommendations for the City to serve in negotiating the terms and conditions for the disposition and development of the property to ensure that the present value of the sale transaction reflected the site's current highest and best use value.

John Jansons, Community Investment Director
951.765.2308
jjansons@cityofhemet.org



RSG

INTELLIGENT COMMUNITY DEVELOPMENT

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E INFO@WEBRSG.COM
WEBRSG.COM

August 12, 2013

Gary Parsons
Economic Development Manager
CITY OF RIDGECREST
100 West California Avenue
Ridgecrest, CA 93555

FEE PROPOSAL FOR LONG-RANGE PROPERTY MANAGEMENT PLAN SERVICES

Dear Gary:

As requested, the fee for services proposed by Rosenow Spevacek Group, Inc. ("RSG") related to the request for proposals for the "Development of a Property Management Plan (PMP) for the Successor Agency of the City of Ridgecrest" is hereby provided. Pursuant to instructions in the RFP, our Proposal is provided as a separate document.

Our services for this engagement would be charged on a time-and-materials basis. **Our budget estimate for this engagement is \$28,835 for Tasks 1 through 7.** A budget estimate for Optional Tasks 8 and 9 is included in the following detailed budget. However, should any optional services be desired, a more precise budget based on the Successor Agency's specific needs will be drafted. A detailed budget broken down by costs and employee time is available on the following page.

RSG does not charge clients for mileage (except direct costs related to field surveys), parking, standard telephone/fax expenses, general postage or incidental copies. However, we do charge for messenger services, overnight shipping/express mail costs and teleconferencing services. We also charge for copies of reports, documents, notices, and support material in excess of five (5) copies. These costs are charged back at the actual expense plus a 10% surcharge.

RSG issues monthly invoices payable upon receipt, unless otherwise agreed upon in advance. Invoices identify tasks completed to date, hours expended and the hourly rate.

Principal / Director	\$ 210
Senior Associate	\$ 165
Associate	\$ 150
Senior Analyst	\$ 125
Analyst	\$ 115
Research Assistant	\$ 100
Technician	\$ 75
Clerical	\$ 60
Reimbursable Expenses	Cost plus 10%

COMMUNITY INVESTMENT & IMPROVEMENT
LOCAL GOVERNMENT SOLUTIONS
FINANCIAL ANALYSIS
REAL ESTATE & DEVELOPMENT
HOUSING

Detailed Proposed Budget for Ridgcrest Long-Range Property Management Plan

	Principal J. Simon \$215	Director J. Draughon \$215	Sr. Assoc. A. Smittle \$165	Analyst J. Carlson \$115	Res. Asst. D. Galkin \$100	Total Hours	Total Costs
Estimated Hours by Activity							
Task 1 - Kick-off							
<i>Kick-off Meeting and Coordination</i>	12		4		10	26	\$4,240
Task 2 - Property Database							
<i>Property Research</i>			2	8	6	16	\$1,850
<i>Database Creation</i>				8	4	12	\$1,320
Task 3 - Gov't Use Clause							
<i>Identify Properties for Transfer</i>	2		4	4	2	12	\$1,750
<i>Collaborate with City Attorney</i>	1		3	3		7	\$1,055
<i>Obtain any Necessary Documentation</i>			2	4		6	\$790
Task 4 - Value Properties							
<i>Market Research</i>		2	2		8	12	\$1,560
<i>Sales Comparable Research</i>		2	2		8	12	\$1,560
<i>Pro forma Creation</i>	6	4	4		4	18	\$3,210
<i>Broker Survey</i>			2		8	10	\$1,130
Task 5 - Market Strategies							
<i>Market Feasibility Study</i>		8	2	10	6	26	\$3,800
Task 6 - Draft & Present Plan							
<i>Draft Plan, Including 1 Meeting with OB</i>	12		4	12	6	34	\$5,220
Task 7 - DOF Questions							
<i>Respond to DOF Questions</i>			4	6		10	\$1,350
Total	33	16	35	55	62	201	\$28,835
Optional Services							
Task 8 - Meet with DOF							
<i>Preparation</i>	6		4	6		16	\$2,640
<i>Attend Meeting</i>			10			10	\$1,650
<i>Charge for Materials</i>							\$500
Total	6	0	14	6	0	26	\$4,790
Task 9 - Implement Disposition							
<i>List of Developers</i>	2	2	2	3	3	12	\$1,835
<i>Draft RFP</i>	1	4	3	3		11	\$1,915
<i>Zoning/Planning services</i>			3	4	2	9	\$1,155
<i>Broker Services¹</i>		24	3	4	4	35	\$6,515
<i>Respond to DOF Questions</i>			4	4		8	\$1,120
Total	3	30	15	18	9	67	\$11,420

¹ only includes RSG staff time, does not include real estate brokerage commissions. Hours may be credited towards commission.

If you have any questions, please do not hesitate to contact me at (714) 316-2120

Sincerely,
 ROSENOW SPEVACEK GROUP INC.

Jim Simon
 Principal

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

A Resolution Of The Ridgecrest City Council Accepting An Offer Of Dedication From Boydston Construction Company, Inc. For APN 477-090-05, In The City Of Ridgecrest, County Of Kern, State Of California And Authorizing The Mayor To Sign The Right Of Way Agreement, Certificate Of Acceptance And Approve An Allocation Of \$23,000 For Fee Interest In The Dedicated Portion Of The Property.

PRESENTED BY:

Dennis Speer, City Manager / Director of Public Work

SUMMARY:

The Ridgecrest Boulevard reconstruction and widening project required additional Right Of Way in order to construct full width street improvements. Funds for the fees will come from the West Ridgecrest Boulevard Project ST010. Attached are the Right of Way Agreement, Legal Description, Plat Map And Certificate Of Acceptance.

FISCAL IMPACT: \$23,000 plus cost for title insurance, escrow and recording fees.

Reviewed by Finance Director

ACTIONS REQUESTED:

1. Accept the Offer of Dedication for APN 477-090-05.
2. Authorize the Mayor, Dan Clark, to execute the Right of Way Agreement
3. Authorize the Mayor, Dan Clark, to execute the Certificate of Acceptance
4. Approve and allocate \$23,000 for fee interest in the dedicated portion of the parcel

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approve as submitted

Submitted by: Loren Culp

Action Date: September 4, 2013

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RESOLUTION NO. 13-xx

A RESOLUTION OF THE RIDGECREST CITY COUNCIL ACCEPTING AN OFFER OF DEDICATION FROM BOYDSTON CONSTRUCTION COMPANY, INC. FOR APN 477-090-05, IN THE CITY OF RIDGECREST, COUNTY OF KERN, STATE OF CALIFORNIA AND AUTHORIZING THE MAYOR TO SIGN THE RIGHT OF WAY AGREEMENT, CERTIFICATE OF ACCEPTANCE AND APPROVE AN ALLOCATION OF \$23,000 FOR FEE INTEREST IN THE DEDICATED PORTION OF THE PROPERTY

WHEREAS, the Ridgecrest Boulevard reconstruction and widening project will be constructing curb, gutter, sidewalk and driveway approach street improvements along the street frontage, and

WHEREAS, the above Offer of Dedication is necessary to construct the improvements, and

WHEREAS, Funds for the fees will come from the West Ridgecrest Boulevard Project ST010, and

WHEREAS, the owner of the above property, hereby grants to the City of Ridgecrest, dedication for ingress, egress and road purposes on, over and across the described property, and

WHEREAS, the above described dedication grants to the City of Ridgecrest the right to go on said property and to perform all acts necessary for the ownership of said improvements, and

WHEREAS, the described dedication are to be kept open, clear and from buildings, and structures of any kind.

NOW, THEREFORE, BE RESOLVED, that the City Council of the City of Ridgecrest does hereby accept the above Offer of Dedication and authorizes the Mayor, Dan Clark, to execute the Right of Way Agreement, Certificate of Acceptance and Approves the allocation of \$23,000 for fee interest in the dedicated portion of the parcel

APPROVED AND ADOPTED this 4th day of September 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC, City Clerk

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CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed to the City of Ridgecrest, by the within attached instrument, the provisions of which are incorporated by this reference as though fully set forth in this Certification, is hereby accepted by the undersigned officer(s) on behalf of the City, and the Grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

By: _____
Mayor, City of Ridgecrest

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City	County	Street	E. A.	Project	Grantee	Grantor	APN
Ridgecrest	Kern	601 West Ridgecrest Boulevard	BRI 09110-B	West Ridgecrest Boulevard Improvement	City of Ridgecrest	Boydston Construction Company Inc.	477-090-05

Ridgecrest , California

June , 2013

Boydston Construction Company Inc.
Grantor

CITY OF RIDGECREST RIGHT OF WAY AGREEMENT

Document Number 47709005, in the form of a Grant Deed to the City of Ridgecrest (City) covering a 2,507 square foot portion of Grantors 14,810 square foot Real Property situated on West Ridgecrest Boulevard as delineated on the plat map and particularly described in the legal description, labeled "Exhibit A" attached hereto and made a part hereof, has been executed and delivered to, Tom Ganyon, Senior Right of Way Agent, acting as Agent for the City of Ridgecrest by Boydston Construction Company Incorporated (Grantor).

In consideration of which, and the other conditions hereinafter set forth, it is mutually agreed as follows:

- A. The parties have herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for said document and shall relieve City of all further obligations or claims on this account, or on account of the location, grade or construction of the proposed public improvement.
- B. City desires to acquire said property described in Exhibit "A" for roadway and streetscape improvement purposes a public use for which Grantee has the authority to exercise the power of eminent domain. Grantor(s) is compelled to sell, and Grantee is compelled to acquire the property.
- C. Both Grantor(s) and Grantee recognize the expense, time, effort, and risk to both parties in determining the compensation for the property by eminent domain litigation. The compensation set forth herein for the property is in compromise and settlement, in lieu of such litigation.

2. The City of Ridgecrest shall:

- (A) Pay the undersigned Grantor the sum of \$23,000 for the property or interests therein conveyed by the above document number 47709005, when title to said property vests in County free and clear of all liens, encumbrances, assessments, easements and leases (recorded and/or unrecorded) and taxes, except:
 - a. Taxes for the tax year in which this escrow closes shall be cleared and paid in the manner required by Section 5086 of the Revenue and Taxation Code, if unpaid at the close of escrow.
 - b. Covenants, conditions, restrictions and reservations of record, or contained in the above-referenced document.
 - c. Easements or rights of way over said land for public or quasi-public utility or public street purposes, if any.
- (B) Pay all escrow and recording fees for this transaction, and if title insurance in the amount of \$23,000 is desired by City, the premium charged therefore. Said escrow and recording charges shall include documentary transfer tax. This transaction will be handled through an escrow with First American Title Company of California, Escrow No. 1502-3422036-TS located at 634 South China Lake Blvd., Suite G, Ridgecrest, CA 93555.

-----No Obligation Other Than Those Set Forth Herein Will Be Recognized-----

3. It is agreed and understood that the City's offer of Just Compensation is based on a Fair Market Value Appraisal of the 2,507 square foot portion of the 14,810 square foot subject property located at 601 West Ridgecrest Boulevard, situated within the limits of the City of Ridgecrest, Kern County, California, further identified as APN 477-090-05 obtained by City. Per State and Federal Law and Policy, Grantor is entitled to a copy of the Appraisal which is based on a Market Approach to Value upon request.
4. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, that City or its authorized agents or contractors may enter upon the Property described herein for the purposes of performing activities related to and incidental to the construction of the project, inclusive of the right to remove and dispose of any improvements prior to Grantor receiving the Purchase Price through escrow. Such possession and use of the property by City will commence on the date of execution of this agreement or upon close of escrow, whichever occurs first.
5. Grantor warrants that there are no oral or written leases on the portion of the property desired by City exceeding a period of one month.
6. City agrees to indemnify and hold harmless the undersigned Grantor from any liability arising out of City's construction operations under this agreement. City further agrees to assume responsibility for any damages proximately caused to Grantor's remainder property by reason of City's construction operations under this agreement and City, at its option, shall either repair or pay for such damage.
7. Grantor understands and agrees should the real property covered by this agreement to City, and City is unable to construct the improvements contemplated under this Agreement by December 31, 2014, this Agreement becomes null and void, and City shall have no further obligation to Grantor and Grantor shall have no further obligation to City, and the real property shall revert back to Grantor.
8. It is understood and agreed by and between the parties hereto that this Agreement inures to the benefit of, and is binding on, the parties, it/their respective heirs, personal representatives, successors, and or assignees.

IN WITNESS WHEREOF, the parties have executed this Agreement on _____ as follows:

CITY OF RIDGECREST

By: _____
Mayor

ATTEST:

By: _____
Deputy Clerk

APPROVED AS TO CONTENT:
Department of Public Works

By: _____
Public Works Director

APPROVED AS TO FORM:
City Attorney

By: _____
W. Keith Lemieux, Jr.
City Attorney

RECOMMENDED FOR APPROVAL:

By: 
Tom Ganyon
Senior Right of Way Agent
Bender Rosenthal Inc.

GRANTOR

By: 
Monte Boydston
Boydston Construction Co. Inc.

By: 
Kimberlee Boydston
Boydston Construction Co. Inc.

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EXHIBIT "A"

PARCEL 01

All that property situate in the City of Ridgecrest, County of Kern, State of California, being a portion of the property described in the GRANT DEED to BOYDSTON CONSTRUCTION INC., recorded October 24, 2002 as Document 0202178694, Official Records of Kern County, more particularly described as follows:

Being all that land within said property lying northerly of the following described line:

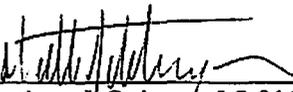
BEGINNING at a point on the North line of Section 4, Township 27 South, Range 40 East, Mount Diablo Base and Meridian, which bears South 89°53'12" West, 659.94 feet from the northeast corner of the northwest quarter of said Section 4; thence along the east line of said property South 00°49'22" West, 69.67 feet; thence North 89°10'38" West, 30.00 feet to a line parallel with and lying 30.00 feet west of said east line; thence along said parallel line, North 00°49'22" East, 3.85 feet to the beginning of a curve to the left; thence northerly along the arc of said curve having a radius of 20.00 feet, through a central angle of 90°56'10", an arc length of 31.74 feet to a line parallel with and lying 45.00 feet south of said north line; thence along said parallel line, South 89°53'12" West, 114.66 feet to the west line of said property; thence along said west line, North 00°49'22" East, 45.01 feet to said North line and the **POINT OF TERMINATION**.

EXCEPTING therefrom all that land lying within Ridgecrest Boulevard and Sunset Street.

Containing 2,507 square feet or 0.06 acres, more or less.

The bearings and distances used in the above description(s) are based upon the California Coordinate System of 1983, Zone 5, in US Survey Feet. Multiply the above distances by 1.000069 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company, Inc., by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

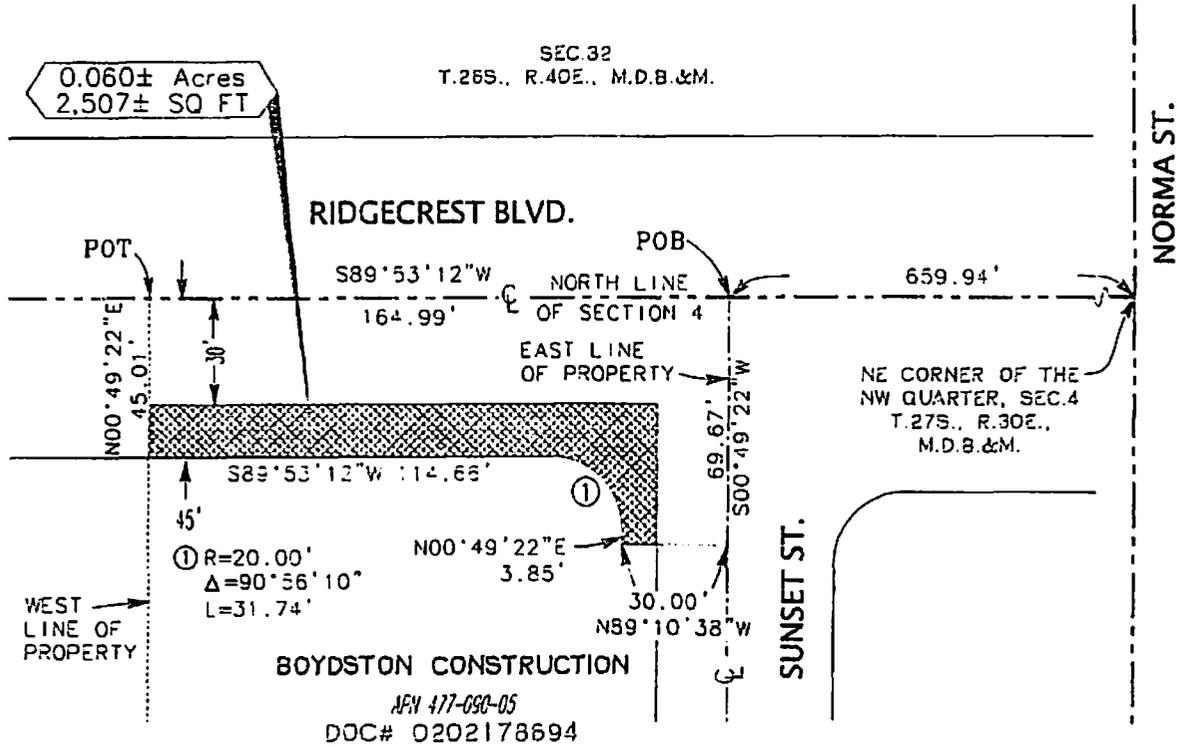

Matthew J. Stringer, LS 8151



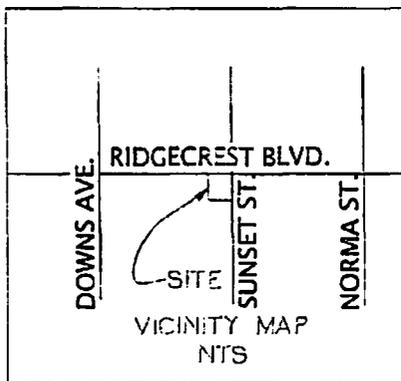
10/17/2011
Date

BASIS OF BEARINGS

BEARINGS AND DISTANCES SHOWN ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 5, IN U.S. SURVEY FEET. MULTIPLY DISTANCES SHOWN BY 1.000069 TO OBTAIN GROUND LEVEL DISTANCES.



SEC.4
T.27S., R.40E., M.D.B.&M.



LEGEND

- DOC.# = DOCUMENT NUMBER
- NTS = NOT TO SCALE
- SEC = SECTION
- POB = POINT OF BEGINNING
- POT = POINT OF TERMINATION
- = AREA OF ACQUISITION



Matthew J. Stringer
10/17/2011

Prepared By: Mark Thomas & Co., Inc.
7571 North Remington Ave Suite 102
Fresno, CA 93711

PAGE 1 OF 1

NO.	REV. DATE	BY	APRVD.	RIDGECREST BOULEVARD WIDENING LANDS OF BOYDSTON CONSTRUCTION APN 477-090-05	<p>GRAPHIC SCALE</p> <p>0' 25' 50' 100'</p>
DWG. BY JCL		SCALE		CITY OF RIDGECREST	
CK. BY Stringer		1"=50'			

Owner: Boydston Construction Inc.
In or near APN 477-090-05
All calculations done on grid
First American Title Company

Revision Date: 06/17/10
Preliminary Report Date: 12/01/09
Preliminary Report Number: 1502-3422036

Net Area (from Assessor)		0.34±acres
New Right-of-Way	2,507±sq.ft.	0.06±acres
<hr/>		
Net Remainder Area		0.28±acres

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

A Resolution Of The Ridgecrest City Council Accepting Offer Of Dedication From Bernice B. Pooley for APN 477-020-01, In The City Of Ridgecrest, County Of Kern, State Of California And Authorizing The Mayor To Sign The Right of Way Agreement And The Certificate Of Acceptance

PRESENTED BY:

Dennis Speer, City Manager / Director of Public Work

SUMMARY:

The Ridgecrest Blvd. reconstruction and widening project required additional right of way in order to construct full width street improvements. Funds for the fees will come from the West Ridgecrest Boulevard Project ST010. Attached are the Right of Way Agreement, Legal Description, Plat Map And Certificate Of Acceptance.

FISCAL IMPACT: Cost for title insurance, escrow and recording fees.

Reviewed by Finance Director

ACTIONS REQUESTED:

1. Accept the Offer of Dedication for APN 477-020-01.
2. Authorize the Mayor, Dan Clark, to execute the Right of Way Agreement
3. Authorize the Mayor, Dan Clark, to execute the Certificate of Acceptance.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approve as submitted

Submitted by: Loren Culp
(Rev. 02/13/12)

Action Date: September 4, 2013

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RESOLUTION NO. 13-xx

A RESOLUTION OF THE RIDGECREST CITY COUNCIL ACCEPTING AN OFFER OF DEDICATION FROM BERNICE B. POOLEY FOR APN 477-020-01, IN THE CITY OF RIDGECREST, COUNTY OF KERN, STATE OF CALIFORNIA AND AUTHORIZING THE MAYOR TO SIGN THE RIGHT OF WAY AGREEMENT AND CERTIFICATE OF ACCEPTANCE

WHEREAS, the Ridgecrest Boulevard reconstruction and widening project will be constructing curb, gutter, sidewalk and driveway approach street improvements along the street frontage, and

WHEREAS, the above Offer of Dedication is necessary to construct the improvements, and

WHEREAS, Funds for the fees will come from the West Ridgecrest Boulevard Project ST010, and

WHEREAS, the owner of the above property, hereby grants to the City of Ridgecrest, dedication for ingress, egress and road purposes on, over and across the described property, and

WHEREAS, the above described dedication grants to the City of Ridgecrest the right to go on said property and to perform all acts necessary for the ownership of said improvements, and

WHEREAS, the described dedication are to be kept open, clear and from buildings, and structures of any kind.

NOW, THEREFORE, BE RESOLVED that the City Council of the City of Ridgecrest does hereby accept the above Offer of Dedication and authorizes the Mayor, Dan Clark, to execute the Right of Way Agreement and Certificate of Acceptance.

APPROVED AND ADOPTED this 4th day of September 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC, City Clerk

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CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed to the City of Ridgecrest, by the within attached instrument, the provisions of which are incorporated by this reference as though fully set forth in this Certification, is hereby accepted by the undersigned officer(s) on behalf of the City, and the Grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

By: _____
Mayor, City of Ridgecrest

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City	County	Street	E. A.	Project	Grantee	Grantor	APN
Ridgecrest	Kern	701 West Ridgecrest Boulevard	BRI 09110-P	West Ridgecrest Boulevard Improvements	City of Ridgecrest	Bernice B. Pooley	477-020-01

Ridgecrest, California

April, 2012

Bernice Pooley

Grantor

CITY OF RIDGECREST RIGHT OF WAY AGREEMENT

Document number 47702001, in the form of a Grant Deed to the City of Ridgecrest (CITY) covering a 2,098 square foot portion of Grantors (GRANTOR's) 36,154 square foot Real Property as delineated on the plat map and particularly described in the legal description, labeled "Exhibit A" attached hereto and made a part hereof, has been executed and delivered to, Tom Ganyon, Senior Right of Way Agent, acting as Agent for the City of Ridgecrest by Bernice Pooley (GRANTOR).

In consideration of which, and the other conditions hereinafter set forth, it is mutually agreed as follows:

- A. The parties have herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for said document and shall relieve City of all further obligations or claims on this account, or on account of the location, grade or construction of the proposed public improvement.
 - B. It is agreed that the property conveyed by document number 47702001 is being donated to the CITY by the undersigned GRANTOR. GRANTOR, having initiated this donation, has been informed of the right to compensation for the property donated and hereby waives such right to compensation.
 - C. CITY desires to acquire said property described in Exhibit "A" for roadway and streetscape improvement purposes. GRANTOR is compelled to donate said property, and CITY is compelled to accept donation of the property.
 - D. GRANTOR acknowledges that this donation is being offered in lieu of payment and agrees that the donation herein is in full settlement of any claims for compensation or damages that may have arisen, including, but not limited to, attorney fees, pre-condemnation damages, severance damages, business goodwill, or any other claim regarding the acquisition of the property or construction of improvements thereon.
2. The City of Ridgecrest shall:
- A. Accept delivery of property or interest conveyed by above document and record same when title can be vested in the CITY free and clear of all liens, encumbrances, assessments, easements and leases (recorded and/or unrecorded), and taxes, except:
 - a. Taxes for the tax year in which this escrow closes shall be cleared and paid in the manner required by Section 5086 of the Revenue and Taxation Code, if unpaid at the close of escrow.
 - b. Covenants, conditions, restrictions and reservations of record, or contained in the above-referenced document.
 - c. Easements or rights of way over said land for public or quasi-public utility or public street purposes, if any.
 - (B) Pay all escrow and recording fees for this transaction, and if title insurance in the amount of \$13,000 is desired by CITY, the premium charged therefore. Said escrow and recording charges shall include documentary transfer tax. This transaction will be handled through an escrow with First American Title Company of California, Escrow No. 1502-3422033 located at 634 South China Lake Blvd., Suite G, Ridgecrest, CA 93555

-----No Obligation Other Than Those Set Forth Herein Will Be Recognized-----

3. It is agreed and understood that the CITY has obtained a Fair Market Value Appraisal of the subject property located at 701 West Ridgecrest Boulevard, situated within the limits of the City of Ridgecrest, Kern County, California, further identified as APN 477-020-01. Per State and Federal Law and Policy, Grantor is entitled to a copy of the Appraisal which is based on a Market Approach to Value upon request.
4. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the right of possession and use of the subject property by CITY shall commence on the date of the close of the escrow controlling this transaction. GRANTOR agrees that CITY or its authorized agents or contractors may enter upon the property described herein and have reasonable access to GRANTOR's remainder property for the purpose of performing activities related to and incidental to the construction of the facilities contemplated under this project.
5. Upon completion of the project, CITY shall restore, replace or cause to be replaced any landscaping or other improvements damaged by contractor in the construction of said streetscape and sidewalk facilities to a similar or like condition to that existing on the date of this Agreement. CITY agrees to coordinate its construction activities in a way that minimizes interference with GRANTOR's use of GRANTOR's remainder real property outside the FEE area being donated to CITY.
6. It is hereby agreed to and understood by and between the parties that construction of the sidewalk and related streetscape appurtenances (Facilities) under this public project designed for a public use, shall not result in an incremental increase in GRANTOR's real property tax assessment for GRANTOR's remainder real property.
7. GRANTOR warrants that there are no oral or written leases on the portion of the property desired by CITY exceeding a period of one month.
8. CITY agrees to indemnify and hold harmless the undersigned GRANTOR from any liability arising out of CITY's construction operations under this agreement. CITY further agrees to assume responsibility for any damages proximately caused to GRANTOR's remainder property by reason of CITY's operations under this agreement and CITY, at its option, shall either repair or pay for such damage.
9. GRANTOR and CITY understand and agree that after completion of the work described in this agreement, said facilities will be considered as the sole property of CITY, and CITY will be responsible for maintenance and repair of said facilities. CITY agrees to release GRANTOR from all liability arising from CITY exercising its rights under this Agreement, or public use of the facilities contemplated under this project.
10. GRANTOR understands and agrees should GRANTOR agree to donate the real property covered by this agreement to CITY, and CITY is unable to construct the improvements contemplated under this Agreement by December 31, 2014, this Agreement becomes null and void, and CITY shall have no further obligation to GRANTOR and GRANTOR shall have no further obligation to CITY, and the real property shall revert back to GRANTOR.
11. It is understood and agreed by and between the parties hereto that this Agreement inures to the benefit of, and is binding on, the parties, their respective heirs, personal representatives, successors, and or assignees.

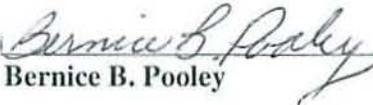
-----No Obligation Other Than Those Set Forth Herein Will Be Recognized-----

IN WITNESS WHEREOF, the parties have executed this Agreement on _____ as follows:

CITY OF RIDGECREST

GRANTOR

By: _____
Chairman of the City Council

By: 
Bernice B. Pooley

ATTEST:

By: _____
Deputy Clerk

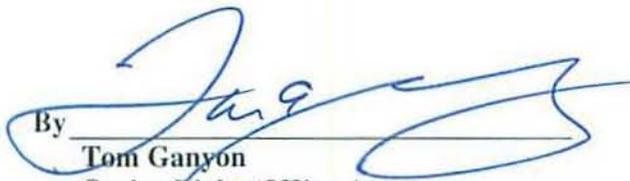
APPROVED AS TO CONTENT:
Department of Public Works

By: _____
Public Works Director

APPROVED AS TO FORM:

By: _____
City Attorney

RECOMMENDED FOR APPROVAL:

By: 
Tom Ganyon
Senior Right of Way Agent
Bender Rosenthal Inc.

-----No Obligation Other Than Those Set Forth Herein Will Be Recognized-----

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EXHIBIT "A"

All that property situate in the City of Ridgecrest, County of Kern, State of California, being a portion of the property described in the GRANT DEED to MILO A. POOLEY and BERNICE B. POOLEY, recorded July 17, 2000 as Document 0200085850, Official Records of Kern County, more particularly described as follows:

Being all that land within said property lying northerly of the following described line:

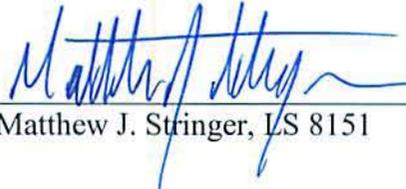
BEGINNING at the northwest corner of said property also being at a point on the North line of Section 4, Township 27 South, Range 40 East, Mount Diablo Base and Meridian which bears North 89°53'12" East, 1154.92 feet from the northwest corner of said Section 4; thence along the west line of said property, South 00°25'46" West, 45.00 feet to a line parallel with and lying 45.00 feet southerly of said north line; thence along said parallel line, North 89°53'12" East, 117.67 feet to the beginning of a curve to the right; thence southerly along the arc of said curve, having a radius of 20.00 feet, through a central angle of 90°44'32", an arc length of 31.68 feet to a line parallel with and lying 30.00 feet westerly of the east line of the northwest quarter of the northwest quarter of said Section 4; thence along last said parallel line, South 00°37'44" West, 5.00 feet; thence leaving said parallel line, South 89°22'16" East, 27.15 feet to the east line of said Grant Deed; thence along said east line, North 00°25'46" East, 70.61 feet to said North line and the **POINT OF TERMINATION**.

EXCEPTING therefrom all that land lying within Ridgecrest Boulevard.

Containing 2,098 square feet or 0.05 acres, more or less.

The bearings and distances used in the above description(s) are based upon the California Coordinate System of 1983, Zone 5, in US Survey Feet. Multiply the above distances by 1.000069 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company, Inc., by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

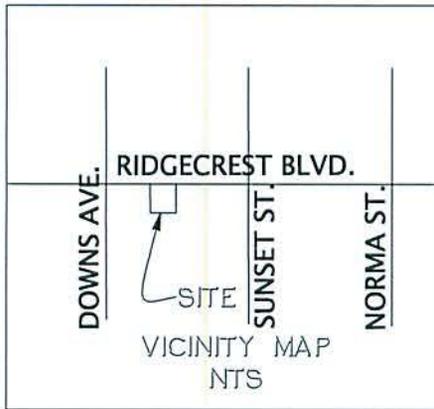
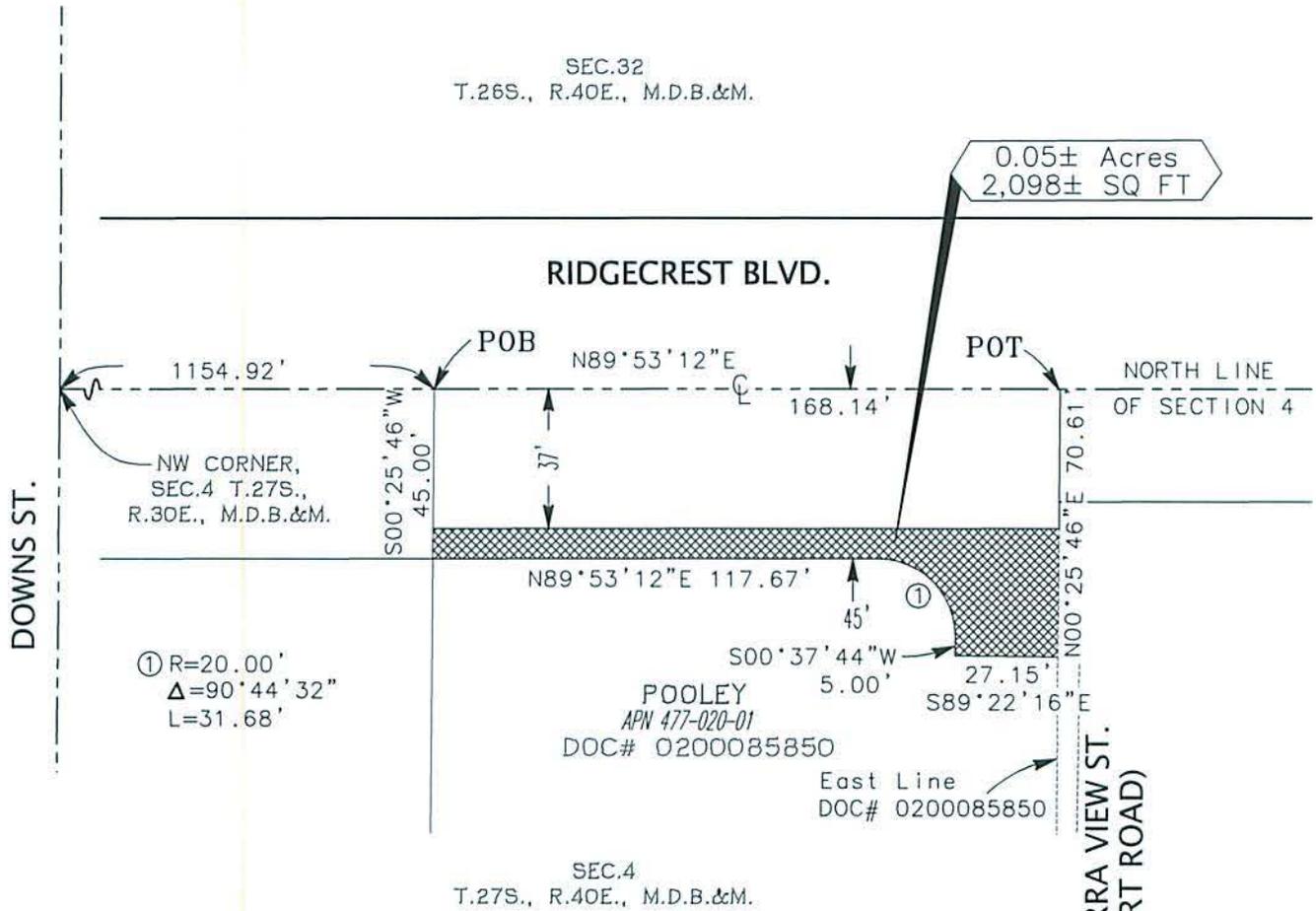

Matthew J. Stringer, LS 8151



August 1, 2013
Date

BASIS OF BEARINGS

BEARINGS AND DISTANCES SHOWN ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 5, IN U.S. SURVEY FEET. MULTIPLY DISTANCES SHOWN BY 1.000069 TO OBTAIN GROUND LEVEL DISTANCES.



LEGEND

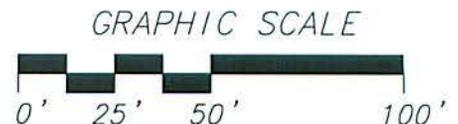
- DOC.# = DOCUMENT NUMBER
- NTS = NOT TO SCALE
- SEC = SECTION
- POB = POINT OF BEGINNING
- POT = POINT OF TERMINATION
- = AREA OF ACQUISITION



Prepared By: Mark Thomas & Co., Inc.
7571 North Remington Ave Suite 102
Fresno, CA 93711

PAGE 1 OF 1

NO.	REV. DATE	BY	APRVD.	RIDGECREST BOULEVARD WIDENING LANDS OF POOLEY APN 477-020-01
DWG. BY JCL			SCALE	CITY OF RIDGECREST
CK. BY Stringer			1"=50'	



Owner: **Pooley**
In or near APN 477-020-01
All calculations done on grid
First American Title Company

Revision Date: 06/17/10
Preliminary Report Date: 12/01/09
Preliminary Report Number: 1502-3422033

Net Area (From Assessor) 0.83±acres

New Right-of-Way 2,098±sq.ft. 0.05±acres

Net Remainder Area 0.78±acres

Area new Right-of-Way is overlapped by existing dirt roadway 1,009±sq.ft. 0.02±acres

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

A Resolution Of The Ridgecrest City Council Accepting An Offer Of Dedication From Betty Jean Shoemaker for APN 477-090-02, In The City Of Ridgecrest, County Of Kern, State Of California And Authorizing The Mayor To Sign The Right of Way Agreement And The Certificate Of Acceptance

PRESENTED BY:

Dennis Speer, City Manager / Director of Public Work

SUMMARY:

The Ridgecrest Boulevard reconstruction and widening project required additional Right Of Way in order to construct full width street improvements. Funds for the fees will come from the West Ridgecrest Boulevard Project ST010. Attached are the Right of Way Agreement, Legal Description, Plat Map And Certificate Of Acceptance.

FISCAL IMPACT: Cost for title insurance, escrow and recording fees. Also construction cost for removal of concrete, rebar and other piles of construction debris.

Reviewed by Finance Director

ACTIONS REQUESTED:

1. Accept the Offer of Dedication for APN 477-090-02.
2. Authorize the Mayor, Dan Clark, to execute the Right of Way Agreement
3. Authorize the Mayor, Dan Clark, to execute the Certificate of Acceptance.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approve as submitted

Submitted by: Loren Culp

Action Date: September 4, 2013

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RESOLUTION NO. 13-xx

A RESOLUTION OF THE RIDGECREST CITY COUNCIL ACCEPTING AN OFFER OF DEDICATION AND FROM BETTY JEAN SHOEMAKER FOR APN 477-090-02, IN THE CITY OF RIDGECREST, COUNTY OF KERN, STATE OF CALIFORNIA AND AUTHORIZING THE MAYOR TO SIGN THE RIGHT OF WAY AGREEMENT AND THE CERTIFICATE OF ACCEPTANCE

WHEREAS, the Ridgecrest Boulevard reconstruction and widening project will be constructing curb, gutter, sidewalk and driveway approach street improvements along the street frontage, and

WHEREAS, the above Offer of Dedication is necessary to construct the improvements, and

WHEREAS, Funds for the fees will come from the West Ridgecrest Boulevard Project ST010, and

WHEREAS, the owner of the above property, hereby grants to the City of Ridgecrest, dedication for ingress, egress and road purposes on, over and across the described property, and

WHEREAS, the above described dedication grants to the City of Ridgecrest the right to go on said property and to perform all acts necessary for the ownership of said improvements, and

WHEREAS, the described dedication are to be kept open, clear and from buildings, and structures of any kind.

NOW, THEREFORE, BE RESOLVED that the City Council of the City of Ridgecrest does hereby accept the above offer of Dedication and authorizes the Mayor, Dan Clark, to execute the Right of Way Agreement and the Certificate of Acceptance and agrees to the removal of "concrete, rebar and other piles of construction debris" in exchange for the dedicated portion of the parcel.

APPROVED AND ADOPTED this 4th day of September 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC, City Clerk

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CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed to the City of Ridgecrest, by the within attached instrument, the provisions of which are incorporated by this reference as though fully set forth in this Certification, is hereby accepted by the undersigned officer(s) on behalf of the City, and the Grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

By: _____
Mayor, City of Ridgecrest

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City	County	Street	E. A.	Project	Grantee	Grantor	APN
Ridgecrest	Kern	633 West Ridgecrest Boulevard	BRI 09110-S	West Ridgecrest Boulevard Improvements	City of Ridgecrest	Betty Jean Shoemaker	477-090-02

Ridgecrest , California

June , 2012

Betty Jean Shoemaker

Grantor

CITY OF RIDGECREST RIGHT OF WAY AGREEMENT

Document number 47709002, in the form of a Grant Deed to the City of Ridgecrest (CITY) covering a 5,734 square foot portion of Mrs. Betty Jean Shoemaker's (GRANTOR's) 121,097 square foot Real Property as delineated on the plat map, and particularly described in the legal description, labeled "Exhibit A" attached hereto and made a part hereof, has been executed and delivered to, Tom Ganyon, Senior Right of Way Agent, acting as Agent for the City of Ridgecrest by Betty Jean Shoemaker (GRANTOR).

In consideration of which, and the other conditions hereinafter set forth, it is mutually agreed as follows:

- A. The parties have herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for said document and shall relieve City of all further obligations or claims on this account, or on account of the location, grade or construction of the proposed public improvement.
- B. It is agreed that the property conveyed by document number 47709002 is being donated to the CITY by the undersigned GRANTOR. GRANTOR, having initiated this donation, has been informed of the right to compensation for the property donated and hereby waives such right to compensation.
- C. CITY desires to acquire said property described in Exhibit "A" for roadway and streetscape improvement purposes. GRANTOR is compelled to donate said property, and CITY is compelled to accept donation of the property.
- D. GRANTOR acknowledges that this donation is being offered in lieu of payment and agrees that the donation herein is in full settlement of any claims for compensation or damages that may have arisen, including, but not limited to, attorney fees, pre-condemnation damages, severance damages, business goodwill, or any other claim regarding the acquisition of the property or construction of improvements thereon.

2. The City of Ridgecrest shall:

- A. Accept delivery of property or interest conveyed by above document and record same when title can be vested in the CITY free and clear of all liens, encumbrances, assessments, easements and leases (recorded and/or unrecorded), and taxes, except:
 - a. Taxes for the tax year in which this escrow closes shall be cleared and paid in the manner required by Section 5086 of the Revenue and Taxation Code, if unpaid at the close of escrow.
 - b. Covenants, conditions, restrictions and reservations of record, or contained in the above-referenced document.
 - c. Easements or rights of way over said land for public or quasi-public utility or public street purposes, if any.
- (B) Pay all escrow and recording fees for this transaction, and if title insurance in the amount of \$40,000 is desired by CITY, the premium charged therefore. Said escrow and recording charges shall include documentary transfer tax. This transaction will be handled through an escrow with First American Title Company of California, Escrow No. 1502-3422035 located at 634 South China Lake Blvd., Suite G, Ridgecrest, CA 93555

-----No Obligation Other Than Those Set Forth Herein Will Be Recognized-----

June 1, 2012

Mrs. Betty Jean Shoemaker

Right of Way Agreement

Page 2

3. It is agreed and understood that the CITY has obtained a Fair Market Value Appraisal of the subject property located at 633 West Ridgecrest Boulevard, situated within the limits of the City of Ridgecrest, Kern County, California, further identified as APN 477-090-02. Per State and Federal Law and Policy, Grantor is entitled to a copy of the Appraisal which is based on a Market Approach to Value upon request.
4. It is agreed and confirmed by the parties hereto that notwithstanding other provisions in this contract, the right of possession and use of the subject property by CITY shall commence on the date of the close of the escrow controlling this transaction. GRANTOR agrees that CITY or its authorized agents or contractors may enter upon the property described herein and have reasonable access to GRANTOR's remainder property for the purpose of performing activities related to and incidental to the construction of the facilities contemplated under this project.
5. GRANTOR and CITY agree that coincident to the start of construction of the facilities contemplated by this public improvement project, CITY or its authorized agent or contractor may enter upon, and have reasonable access to GRANTOR's remainder property for the purpose of performing activities related to and incidental to removal of concrete, rebar and other piles of construction debris previously placed in error on GRANTOR's property by CITY or others. CITY agrees to remove said concrete rubble to GRANTOR's satisfaction and upon completion of removal shall restore said remainder property area to a similar or like condition to that existing on the date debris was placed. CITY agrees to coordinate its construction activities in a way that minimizes interference with GRANTOR's use of said remainder property lying outside the FEE area being donated to CITY under this agreement.
6. Upon completion of the project, CITY shall restore, replace or cause to be replaced any landscaping or other improvements damaged by contractor in the construction of said streetscape and sidewalk facilities to a similar or like condition to that existing on the date of this Agreement. CITY agrees to coordinate its construction activities in a way that minimized interference with GRANTOR's use of GRANTOR's remainder real property outside the FEE area being donated to CITY.
7. It is hereby agreed to and understood by and between the parties that construction of the sidewalk and related streetscape appurtenances (Facilities) under this public project designed for a public use, shall not result in an incremental increase in GRANTOR's real property tax assessment for GRANTOR's remainder real property.
8. GRANTOR warrants that there are no oral or written leases on the portion of the property desired by CITY exceeding a period of one month.
9. CITY agrees to indemnify and hold harmless the undersigned GRANTOR from any liability arising out of CITY's construction operations under this agreement. CITY further agrees to assume responsibility for any damages proximately caused to GRANTOR's remainder property by reason of CITY's operations under this agreement and CITY, at its option, shall either repair or pay for such damage.
10. GRANTOR and CITY understand and agree that after completion of the work described in this agreement, said facilities will be considered as the sole property of CITY, and CITY will be responsible for maintenance and repair of said facilities. CITY agrees to release GRANTOR from all liability arising from CITY exercising its rights under this Agreement, or public use of the facilities contemplated under this project.
11. GRANTOR understands and agrees should GRANTOR agree to donate the real property covered by this agreement to CITY, and CITY is unable to construct the improvements contemplated under this Agreement by December 31, 2014, this Agreement becomes null and void, and CITY shall have no further obligation to GRANTOR and GRANTOR shall have no further obligation to CITY, and the real property shall revert back to GRANTOR.
12. It is understood and agreed by and between the parties hereto that this Agreement inures to the benefit of, and is binding on, the parties, their respective heirs, personal representatives, successors, and or assignees.

-----**No Obligation Other Than Those Set Forth Herein Will Be Recognized**-----

IN WITNESS WHEREOF, the parties have executed this Agreement on 7-27-12 as follows:

CITY OF RIDGECREST

GRANTOR

By: _____
Chairman of the City Council

By: Betty Jean Shoemaker
Betty Jean Shoemaker

ATTEST:

By: _____
Deputy Clerk

APPROVED AS TO CONTENT:
Department of Public Works

By: _____
Public Works Director

APPROVED AS TO FORM:

By: _____
City Attorney

RECOMMENDED FOR APPROVAL:

By: 
Tom Ganyon
Senior Right of Way Agent
Bender Rosenthal Inc.

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EXHIBIT "A"

All that property situate in the City of Ridgecrest, County of Kern, State of California, being a portion of the property described in the GRANT DEED to BETTY JEAN SHOEMAKER, recorded March 20, 1998 as Document 0198034913, Official Records of Kern County, more particularly described as follows:

Being all that land within said property lying northerly of the following described line:

BEGINNING at the northeast corner of said property also being at a point on the North line of Section 4, Township 27 South, Range 40 East, Mount Diablo Base and Meridian, which bears South 89°53'12" West, 989.93 feet from the northeast corner of the northwest quarter of said Section 4; thence along the east line of said property, South 00°49'16" West, 45.01 feet to a line parallel with and lying 45.00 feet southerly of said north line; thence along said parallel line, South 89°53'12" West, 283.19 feet to the beginning of a curve to the left; thence southwesterly along the arc of said curve having a radius of 20.00 feet, through a central angle of 89°15'28", an arc length of 31.16 feet to a line parallel with and lying 30.00 feet easterly of the west line of the northeast quarter of the northwest quarter of said Section 4; thence along last said parallel line, South 00°37'44" West, 6.30 feet; thence leaving said parallel line, North 89°22'16" West, 27.13 feet to the west line of said Grant Deed; thence along said west line, North 00°49'16" East, 70.69 feet to the said North line and the **POINT OF TERMINATION**.

EXCEPTING therefrom all that land lying within Ridgecrest Boulevard.

Containing 5,734 square feet or 0.13 acres, more or less.

The bearings and distances used in the above description(s) are based upon the California Coordinate System of 1983, Zone 5, in US Survey Feet. Multiply the above distances by 1.000069 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company, Inc., by me, or under my direction, in conformance with the Professional Land Surveyors' Act.


Matthew J. Stringer, LS 8151

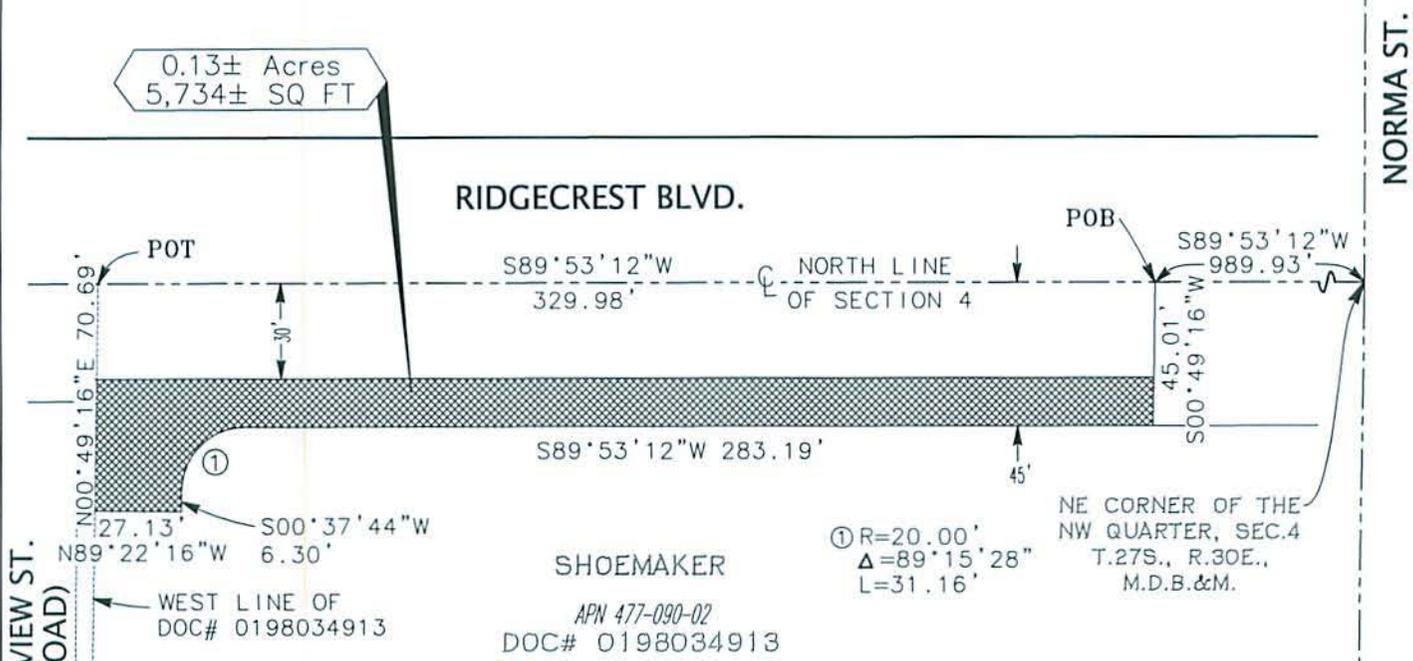


August 1, 2013
Date

BASIS OF BEARINGS

BEARINGS AND DISTANCES SHOWN ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 5, IN U.S. SURVEY FEET. MULTIPLY DISTANCES SHOWN BY 1.000069 TO OBTAIN GROUND LEVEL DISTANCES.

SEC.32
T.26S., R.40E., M.D.B.&M.



SEC.4
T.27S., R.40E., M.D.B.&M.

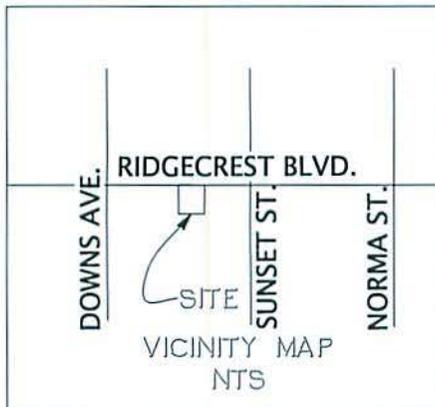


Matthew J. Stringer
August 1, 2013



LEGEND

- DOC.# = DOCUMENT NUMBER
- NTS = NOT TO SCALE
- SEC = SECTION
- POB = POINT OF BEGINNING
- POT = POINT OF TERMINATION
- = AREA OF ACQUISITION



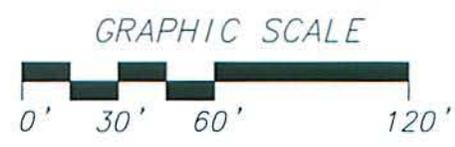
Prepared By: Mark Thomas & Co., Inc.
7571 North Remington Ave Suite 102
Fresno, CA 93711

PAGE 1 OF 1

NO.	REV. DATE	BY	APRVD.
DWG. BY JCL		SCALE	
CK. BY Stringer		1"=60'	

RIDGECREST BOULEVARD WIDENING
LANDS OF SHOEMAKER
APN 477-090-02

CITY OF RIDGECREST



Owner: Shoemaker
In or near APN 477-090-02
All calculations done on grid
First American Title Company

Revision Date: 06/16/10
Preliminary Report Date: 12/01/09
Preliminary Report Number: 1502-3422035

Net Area (from Assessor)		2.78±acres
New Right-of-Way	5,734±sq.ft.	0.13±acres
<hr/>		
Net Remainder Area		2.65±acres

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

A Resolution Of The Ridgecrest City Council Accepting Grant of Easements and Irrevocable Offers Of Dedication From Dollar General (DG) Ridgecrest, CA-1, LLC, for APN's 420-020-09, 15 & 22, (Easements A, B & C) In The City Of Ridgecrest, County Of Kern, State Of California And Authorizing The Mayor To Sign The Certificate Of Acceptance and Authorizing the City Clerk to Record the Document.

PRESENTED BY:

Dennis Speer, City Manager / Director of Public Work

SUMMARY:

The Dollar General Store required additional Right Of Way in order to construct ADA compliant driveway approaches and curb returns along North Norma Street and West Drummond Avenue street frontages. Attached are the Grant of Easements, Irrevocable Offers of Dedication, Legal Description, Plat Map And Certificate Of Acceptance.

FISCAL IMPACT:

None

Reviewed by Finance Director

ACTIONS REQUESTED:

1. Accept the Grant of Easements and Irrevocable Offer of Dedication for APN's 420-020-09, 15 & 22, (Easements A, B, & C).
2. Authorize the Mayor, Dan Clark, to execute the Certificate of Acceptance.
3. Authorize the City Clerk to record the document.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approve as submitted

Submitted by: Loren Culp

Action Date: September 4, 2013

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RESOLUTION NO. 13-xx

A RESOLUTION OF THE RIDGECREST CITY COUNCIL ACCEPTING GRANT OF EASEMENTS AND IRREVOCABLE OFFER OF DEDICATIONS FROM Dollar General (DG) RIDGECREST, CA-1, LLC, FOR APN'S 420-020-09, 15 & 22, (EASEMENTS A, B & C), IN THE CITY OF RIDGECREST, COUNTY OF KERN, STATE OF CALIFORNIA AND AUTHORIZING THE MAYOR TO SIGN THE CERTIFICATE OF ACCEPTANCE AND AUTHORIZING THE CITY CLERK TO RECORD THE DOCUMENTS.

WHEREAS, the Dollar General Store constructed new curb, gutter, sidewalk, curb return and ADA compliant driveway approaches along the street frontages of North Norma Street and West Drummond Avenue, and

WHEREAS, the above Grant of Easements and Irrevocable Offer of Dedications is necessary to construct the current standard ADA compliant improvements, and

WHEREAS, the owner of the above property, hereby grants to the City of Ridgecrest, dedication for ingress, egress and road purposes on, over and across the described property, and

WHEREAS, the above described dedication grants to the City of Ridgecrest the right to go on said property and to perform all acts necessary for the ownership of said improvements, and

WHEREAS, the described dedication are to be kept open, clear and from buildings, and structures of any kind.

NOW, THEREFORE, BE RESOLVED, that the City Council of the City of Ridgecrest does hereby accept the above offer of Dedication and authorizes the Mayor, Dan Clark, to execute the Certificate of Acceptance and authorizes the City Clerk to record the documents.

APPROVED AND ADOPTED this 4th day of September 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC, City Clerk

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**RECORDING REQUESTED BY:
WHEN RECORDED MAIL TO:**

**City Clerk's Office
City Hall
100 W. California Ave,
Ridgecrest, CA 93555**

APN No. 420-020-09,15 & 22

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Grant of Easement and Irrevocable Offer of Dedication

For a Valuable Consideration, receipt of which is acknowledged,

DG-Ridgecrest, CA-1, LLC

Hereby grants to the public in general an easement for ingress, egress and road purposes on, over and across the following described real property in the City of Ridgecrest, County of Kern, State of California:

See Exhibits A and B Attached hereto and made a part hereof

Also, the Grantor does hereby grant to any public utility the right to go on said property and to perform all acts necessary for the installation and maintenance of such public utilities except as may be hereinafter reserved to the Grantor(s).

Also, the Grantor does hereby grant to the City of Ridgecrest an irrevocable offer of dedication for ingress, egress and road purposes over and across said property in the City of Ridgecrest, County of Kern, State of California.

This offer of dedication is made pursuant to Section 7050 of the Government Code of the State of California and may be accepted at any time by the City Council of the City of Ridgecrest, California.

This offer of dedication shall convey to the governing authority upon its acceptance a superior right of easement over any facility or facilities located within or under the aforementioned parcel of land.

This offer of dedication may be terminated and right to accept such offer abandoned in the same manner as is prescribed for the vacation of streets and highways by Part 3 of Division 9 or Chapter 2 of the Streets and Highways Code of the State of California, whichever is applicable. Such termination and abandonment may be made by the City Council of the City of Ridgecrest, California.

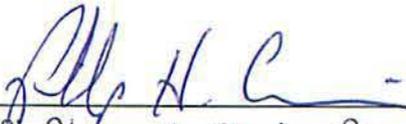
The above described easement to be kept open, clear and from buildings and structures of any kind.

This grant of easement and offer of dedication shall be irrevocable and shall be binding on the Grantor, their heirs, executors, administrators, successors and assigns.

The term Grantor as used herein shall include the plural, as well as, the singular number and the word "He" shall include the feminine and neuter gender as the case may be.

IN WITNESS WHEREOF, said Grantors have hereunto subscribed their names
this 12th day of June, 2013

GRANTORS: DG-Ridgecrest, CA-1, LLC


Name: Philip H. Annis, President of
Title: Embree Asset Group, Inc, Manager
of National ABS Developers, LLC,
Manager of Grantor

The undersigned, claiming some right, title or interest in or to the above described property consent to the making of the foregoing grants of dedication and agree to be bound thereby and agree that their right, title or interest is subject to such grant of easement and irrevocable offer of dedication.

Attach Notary Certificates

Pursuant to Resolution Number 74-28 of the City Council of the City of Ridgecrest, California, the City Manager consents to the making of the foregoing offer of dedication and consents to the recordation thereof.

Dated this _____ day of _____ 2013.

Mayor
City of Ridgecrest

EXHIBIT "A"

(ADDITIONAL RIGHT OF WAY DEDICATION)

ALL THOSE PORTIONS OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 SOUTH, RANGE 40 EAST, M.D.B.M., IN THE CITY OF RIDGECREST, COUNTY OF KERN, STATE OF CALIFORNIA, AS PER THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE SURVEYOR GENERAL, DESCRIBED AS FOLLOWS:

EASEMENT A

A TRIANGULAR SHAPED PARCEL OF LAND BOUNDED ON THE EAST BY THE WEST LINE OF THE EAST 45.00 FEET OF SAID SOUTHWEST QUARTER, ON THE SOUTH BY THE NORTH LINE OF THE SOUTH 55.00 FEET OF SAID SOUTHWEST QUARTER, AND ON THE NORTHWEST BY THE ARC OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 40.00 FEET AND TANGENT TO LAST SAID WEST AND NORTH LINES.

EXCEPTING THEREFROM THAT PORTION OF NORMA STREET AND DRUMMUND AVENUE CONVEYED TO THE CITY OF RIDGECREST IN DEED RECORDED OCTOBER 24, 1983 IN BOOK 5600, PAGE 95 OF OFFICIAL RECORDS.

CONTAINS 260 SQ. FT., MORE OR LESS.

EASEMENT B

COMMENCING AT THE SOUTHEAST CORNER OF PARCEL 2 OF PARCEL MAP 7716 IN THE CITY OF RIDGECREST, COUNTY OF KERN, STATE OF CALIFORNIA, AS PER MAP RECORDED OCTOBER 3, 1985 IN BOOK 32, PAGE 104 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE SOUTH 89°57'50" EAST ALONG THE NORTH RIGHT OF WAY LINE OF DRUMMOND AVENUE, A DISTANCE OF 178.48 FEET TO THE TRUE POINT OF BEGINNING;

THENCE 1) NORTH 45°02'10" EAST, A DISTANCE OF 28.28 FEET;

THENCE 2) SOUTH 89°57'50" EAST PARALLEL TO THE NORTH RIGHT OF WAY LINE OF DRUMMOND AVENUE, A DISTANCE OF 48.00 FEET;

THENCE 3) SOUTH 44°57'50" EAST, A DISTANCE OF 28.28 FEET TO SAID NORTH RIGHT OF WAY LINE;

THENCE 4) NORTH 89°57'50" WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 88.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1,360 SQ. FT., MORE OR LESS.

EASEMENT C

THE WEST 2.00 FEET OF THE EAST 45.00 FEET OF THE SOUTH 210.00 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, SAID EASEMENT LIES WESTERLY OF AND ADJACENT TO THE WEST LINE OF NORMA STREET RIGHT OF WAY PER BOOK 2174 PAGE 596 OF OFFICIAL RECORDS.

CONTAINS 120 SQ. FT., MORE OR LESS.

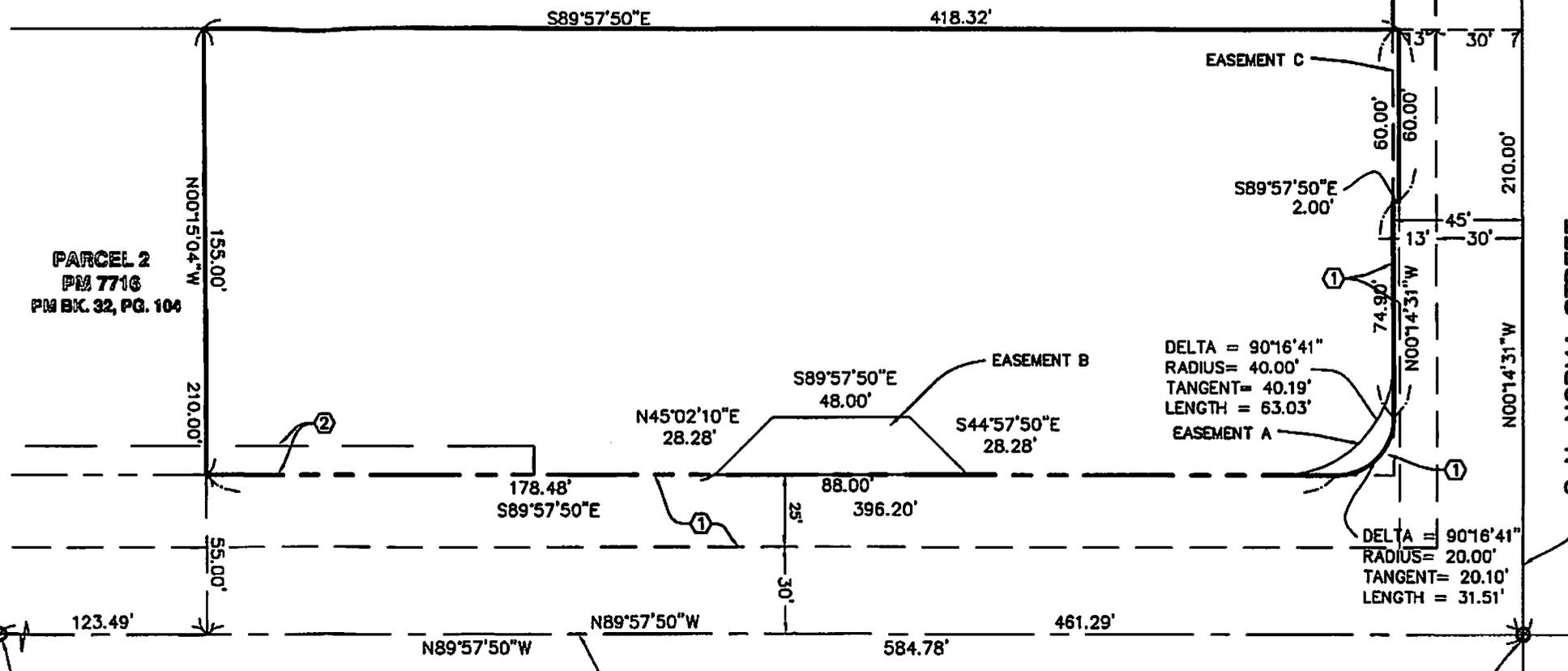


EXHIBIT "B"

THIS MAP IS FOR ILLUSTRATION PURPOSES ONLY

☉ SYDNOR STREET

CONC. MON. IN L.H.
R.C.E. 7765 PER R/S
BK. 11, PG. 1
2.00' W. OF SEC. LINE



PARCEL 2
PM 7716
PM BK. 32, PG. 104

CONCRETE MONUMENT TAGGED LS
3707 IN L.H. PER TRACT 3416-B,
BK. 22, PG. 125

☉ DRUMMOND AVENUE

- ① R/W DEDICATION TO THE CITY OF RIDGECREST PER BK 5600, PG 95 O.R.
- ② SEWER LINE EASEMENT TO THE CITY OF RIDGECREST PER BK 5655, PG 1380 O.R.

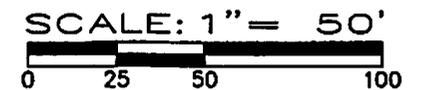
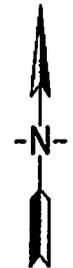
CONC. MON TAGGED LS 2263
S.E. COR., S.E. 1/4, S.E. 1/4, S.W. 1/4,
OF SECTION 28, 25/40 M.D.B.M.

DELTA = 90°16'41"
RADIUS = 40.00'
TANGENT = 40.19'
LENGTH = 63.03'

DELTA = 90°16'41"
RADIUS = 20.00'
TANGENT = 20.10'
LENGTH = 31.51'

LEGEND:

○ MONUMENT AS DESCRIBED.



ADDITIONAL RIGHT OF WAY DEDICATION

SHEET 1 OF 1 SHEETS

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

A Resolution Of The Ridgecrest City Council Vacating a portion of Sewer Easement for the Dollar General Store site of Parcel 3, of Parcel Map 7716, In The City Of Ridgecrest, County Of Kern, State Of California And Authorizing The Mayor To Sign The Quit Claim And Vacation Deed and Authorize the City Clerk to Record the Document.

PRESENTED BY:

Dennis Speer, City Manager / Director of Public Work

SUMMARY:

The Dollar General Store required a portion of sewer and a portion of sewer easement in order to construct the store. It was determined the portion of sewer line and sewer easement were not necessary to serve adjoining properties. Attached are the Quit Claim And Vacation Deed, Legal Description And Plat Map.

FISCAL IMPACT:

None

Reviewed by Finance Director

ACTIONS REQUESTED:

1. Approve the vacation of a portion of the sewer easement on Parcel 3, of Parcel Map 7716 as described and shown on the attached Legal Description And Plat Map.
2. Authorize the Mayor, Dan Clark, to sign the Quitclaim & Vacation Deed.
3. Authorize the City Clerk to record the document.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approve as submitted

Submitted by: Loren Culp

Action Date: September 4, 2013

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RESOLUTION NO. 13-

A RESOLUTION OF THE RIDGECREST CITY COUNCIL VACATING A PORTION OF SEWER EASEMENT FROM PARCEL 3 OF PARCEL MAP 7716, IN THE CITY OF RIDGECREST, COUNTY OF KERN, STATE OF CALIFORNIA AND AUTHORIZING THE MAYOR TO SIGN THE QUITCLAIM AND VACATION DEED AND AUTHORIZING THE CITY CLERK TO RECORD THE DOCUMENTS.

WHEREAS, the Dollar General Store constructed a new store on the north west corner of North Norma Street and West Drummond Avenue, and

WHEREAS, a portion of sewer line and sewer easement was necessary to vacate in order to construct the store improvements, and

WHEREAS, the owner of the above property, hereby requests the City of Ridgecrest, to "REMISE, RELEASE, VACATE AND FOREVER QUITCLAIM" to the owner all rights to the described portion of sewer easement.

NOW, THEREFORE, BE RESOLVED that the City Council of the City of Ridgecrest does hereby approve the above vacation of a portion of the sewer easement as described and authorizes the Mayor, Dan Clark, to execute the Quitclaim And Vacation Deed and authorizes the City Clerk to record the documents.

APPROVED AND ADOPTED this 4th day of September 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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WHEN RECORDED MAIL TO:

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO

DOCUMENTARY TRANSFER TAX \$ _____
___ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED,
___ OR COMPUTED ON FULL VALUE LESS LIENS AND
ENCUMBRANCES REMAINING AT TIME OF SALE.

Signature of Declarant or Agent determining tax. Firm Name

Quitclaim & Vacation Deed

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

The CITY OF RIDGECREST

do(es) hereby REMISE , RELEASE, VACATE AND FOREVER QUITCLAIM unto,

OWNER OR OWNERS OF RECORD of the real property affected hereby, all rights acquired under and by virtue of that certain Sewer Easement recorded May 4, 1984 in Book 5655, Page 1360 in the office of the Kern County Recorder, State of California, in so far and only in so far as said rights affect that certain real property in said County and State, described as follows:

See Exhibits "A" and "B", attached hereto and made a part hereof

IN WITNESS WHEREOF, said City of Ridgecrest has caused this instrument to be executed this _____ day of _____, 2013

City of Ridgecrest

Name:
Title:

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EXHIBIT "A"

(TO BE VACATED)

ALL THAT PORTION OF THAT CERTAIN SEWER EASEMENT RECORDED MAY 4, 1984 IN BOOK 5655, PAGE 1360 IN THE OFFICE OF THE KERN COUNTY RECORDER, LYING NORTH OF THE NORTH LINE OF THE SOUTH 10' (TEN FEET) OF THE FOLLOWING DESCRIBED PARCEL, BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 SOUTH, RANGE 40 EAST, M.D.B.M., IN THE CITY OF RIDGECREST, COUNTY OF KERN, STATE OF CALIFORNIA, AS PER THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE SURVEYOR GENERAL, DESCRIBED AS FOLLOWS:

THE EAST 20.00 FEET OF PARCEL 3 OF PARCEL MAP 7716 IN THE CITY OF RIDGECREST, COUNTY OF KERN, STATE OF CALIFORNIA, AS PER MAP RECORDED OCTOBER 3, 1985 IN BOOK 32, PAGE 104 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

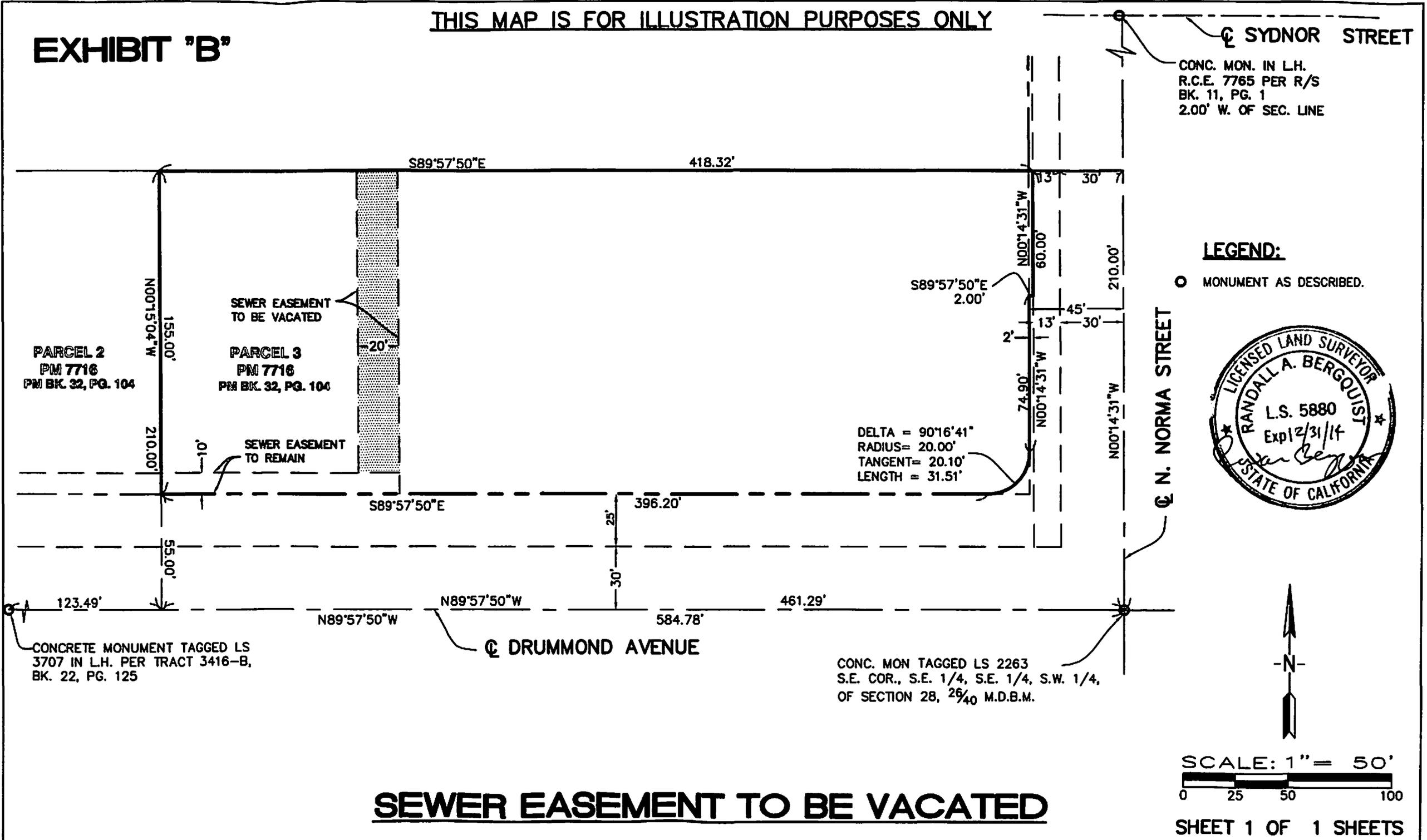
EXCEPTING THEREFROM THE SOUTH 10.00 FEET.

CONTAINS 2,900 SQ. FT., MORE OR LESS.



THIS MAP IS FOR ILLUSTRATION PURPOSES ONLY

EXHIBIT "B"



☉ SYDNER STREET

CONC. MON. IN L.H.
R.C.E. 7765 PER R/S
BK. 11, PG. 1
2.00' W. OF SEC. LINE

PARCEL 2
PM 7716
PM BK. 32, PG. 104

PARCEL 3
PM 7716
PM BK. 32, PG. 104

SEWER EASEMENT
TO BE VACATED

SEWER EASEMENT
TO REMAIN

S89°57'50"E
2.00'

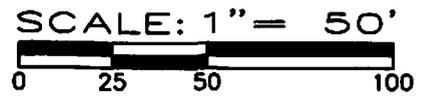
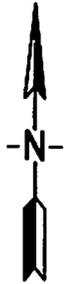
DELTA = 90°16'41"
RADIUS = 20.00'
TANGENT = 20.10'
LENGTH = 31.51'

CONCRETE MONUMENT TAGGED LS
3707 IN L.H. PER TRACT 3416-B,
BK. 22, PG. 125

CONC. MON TAGGED LS 2263
S.E. COR., S.E. 1/4, S.E. 1/4, S.W. 1/4,
OF SECTION 28, 26/40 M.D.B.M.

LEGEND:

○ MONUMENT AS DESCRIBED.



SEWER EASEMENT TO BE VACATED

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

A Resolution authorizing the City Manager to sign a Deferred Improvement Agreement with the Maturango Museum for Street Improvements along 100 East Las Flores Avenue to be constructed prior to occupancy permit for Phase II construction.

PRESENTED BY:

Dennis Speer, Public Works Director

SUMMARY:

The Maturango Museum site plan was originally approved by the Planning Commission on February 8, 2011, (Resolution 11-05). Conditions of approval numbers 7 and 8 called for ADA compliant commercial drive approach on East Las Flores Avenue and an ADA compliant handicap ramp at the curb return at East Las Flores Avenue and China Lake Boulevard as part of the site development improvements. The Museum is currently finishing the improvements to Phase I and is requesting deferral of the driveway and handicap improvements until Phase II construction. It is therefore necessary to secure the street improvements prior to the certificate of occupancy for Phase I.

Mr. Harris Brokke, Executive Director & CEO, has requested to defer the improvements on Phase I by entering into a Deferred Improvement Agreement to be placed upon the Phase II construction. Chapters 14 and 20 of the Municipal code offer lien agreements to builders of in-fill developments if improvements cannot be finished at the time of request for occupancy or if the topography of an area would not permit the improvements to be constructed. Since the museum is a public service organization and the land is owned by Kern County it is questionable that a lien could be placed on public land. Additionally, a bond for a public service organization could be a cumbersome task. It is staff's recommendation that the Deferred Improvement Agreement be considered by the City Council for use on Phase I conditions of occupancy permit and a condition of Phase II building permit

FISCAL IMPACT: No impact to the city. All cost to be borne by the developer.

ACTION REQUESTED:

Authorize the City Manager to sign a Deferred Improvement Agreement with the Maturango Museum Executive Director & CEO, Harris Brokke, for street improvements to East Las Flores Avenue to be attached to the conditions of occupancy permit for Phase I and a condition of the building permit for Phase II expansion.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approve as submitted

Submitted by: Loren Culp

Action Date: September 4, 2013

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RESOLUTION NO. 13-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST
AUTHORIZING THE CITY MANAGER TO SIGN A DEFERRED IMPROVEMENT
AGREEMENT FOR 100 EAST LAS FLORES AVENUE STREET IMPROVEMENTS
FOR THE MATURANGO MUSEUM**

Whereas, on February 8, 2011, the Planning Commission approved the site plan, SPR 11-01, for the expansion of the Maturango Museum with 20 conditions of approval, (PC Resolution 11-09), and

Whereas, conditions 7 and 8 of the Resolution specifically required construction of a current ADA compliant commercial driveway approach on East Las Flores Avenue and a current ADA compliant handicap ramp at the curb return of East Las Flores Avenue and China Lake Boulevard, and

Whereas, on July 31, 2013, Mr. Harris M. Brokke, Executive Director and CEO of the Maturango Museum made a formal request for deferring street improvements to East Las Flores Avenue until Phase II expansion of the building, and

Whereas, Chapter 14, Streets, Section 14-2.33 requires the completion of the improvements prior to occupancy or construction is guaranteed by a lien agreement or improvement security, and

Whereas, Chapter 20, Zoning, Section 20-3.20 requires street improvements to be constructed for any building permit issued and permits the Public Works Director to waive the improvements if line and grade have not been established and may require a binding agreement for the future construction of the waived improvements, and

Whereas, the Museum provides a public service for the people of Ridgecrest and the IWV and the property the museum occupies is publically owned by the County of Kern, and

Whereas, security in the form of a bond or lien agreement may not be feasible.

Now, Therefore, Be it Resolved, that the City Council of the City of Ridgecrest hereby authorizes the City Manager / Director of Public Works to sign a Deferred Improvement Agreement with Mr. Harris M. Brokke of the Maturango Museum for street improvements to East Las Flores Avenue to be attached to the Phase I Certificate Of Occupancy and attached as a condition of the building permit for Phase II expansion.

APPROVED AND ADOPTED this 4th day of September 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC, City Clerk

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**Death Valley Tourist Center
and
Northern Mojave Visitor Center**

100 East Las Flores Avenue
Ridgecrest, CA 93555

Phone: (760) 375-6900
Fax: (760) 375-0479

Matmus6@maturango.org
www.maturango.org

Petroglyph Tour Email
Matmus9@maturango.org

July 31, 2013

Mr. Dennis Speer, City Manager
City of Ridgecrest
100 W. California Ave.
Ridgecrest, CA 93555

Dear Mr. Speer:

By this letter I am requesting that an item be added to the agenda for the city council meeting to be held on August 21, 2013 so that the Maturango Museum can request a deferred lien agreement related to building construction that is currently taking place at the Museum.

The Maturango Museum is more than doubling the size of its facility to better serve the people of Ridgecrest and the IWV area as well as visitors to the community. This building expansion is being accomplished in two phases with phase 1 enabling the Museum to occupy a much larger store, store manager's office, rest rooms, break room long term storage and equipment room. Phase 2, when completed, will provide the Museum with a much larger gallery to be used for art exhibits, concerts and lectures, a docent work area and an exhibit area that has exhibits that change roughly every two months.

Construction of Phase 1 is nearing completion with the request for the final inspection expected in early August. Phase 2 will be completed at a later date as funds allow – most likely during 2014.

Pursuant to Municipal Code 20-3.20, Ordinance 84-08 Section A3 pertaining to Dedication of Streets, the Maturango Museum is requesting approval to delay completion of the street improvements to the time that Phase 2 of the building expansion project is completed.

I plan to attend the August 21st city council meeting to address any questions that the council members may have. Please contact me if you have any questions or need additional information.

Thank you

Sincerely,

Harris M. Brokke
Executive Director & CEO

CC: Rachel Ford – City Clerk



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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

A RESOLUTION OF THE RIDGECREST CITY COUNCIL AUTHORIZING A LETTER OF OPPOSITION TO SB 594 (HILL) AND AUTHORIZING THE MAYOR TO SIGN THE LETTER

PRESENTED BY:

Marshall 'Chip' Holloway, Vice Mayor

SUMMARY:

SB 594 (Hill) was a gut and amend bill created on August 7th and is being fast-tracked through committees so the Committee has not had much time to review it, nor have interested parties had much time to consider it.

SB 594 seeks to prohibit a nonprofit organization from using, for campaign activities, any public resources – including public resources received in exchange for consideration – it receives from a local agency. In addition, the bill would require any nonprofit organization that receives at least 20% of its total revenue from public resources to deposit funds in a separate account and to pay for all campaign activity from that separate account.

Existing law prohibits an elected or appointed official, or any public employee or consultant, from using "public resources" for political campaign activity. In addition, the Political Reform Act requires qualifying individuals and organization to disclose specified information about campaign funding sources and expenditures in statements filed with the Fair Political Practices Commission.

SB 594 is specifically targeting local organization including the League of California Cities and the California State Association of Cities who actively monitor legislation and either support or oppose legislation that directly impacts the municipalities it represents, including small cities like Ridgecrest who ordinarily do not have the resources to perform this level of legislative support.

This bill would effectively silence our voice, through the League of California Cities, on State measures that directly impact Ridgecrest and other cities like us.

League of California Cities has requested it's members to forward letters of opposition to the author of SB 594 and staff recommendation is to approve the resolution and draft letter as submitted.

FISCAL IMPACT:

No Fiscal Impact

Reviewed by Finance Director

ACTION REQUESTED:

Approve Resolution as submitted authorizing a letter of opposition be signed by the Mayor and forwarded to The Honorable Jerry Hill.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approve as submitted

Submitted by: Rachel J. Ford
(Rev. 02/13/12)

Action Date: September 4, 2013

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RESOLUTION NO. 13-XX

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL AUTHORIZING
A LETTER OF OPPOSITION TO SB 594 (HILL) AND AUTHORIZING
THE MAYOR TO SIGN THE LETTER**

WHEREAS, State proposed legislation is monitored by the League of California Cities on a routine basis to analyze the impact to local government, and;

WHEREAS, on occasion Cities and Counties are encouraged to oppose specific pieces of legislation that have a detrimental impact to local government processes, funding, or the public, and;

WHEREAS, SB 594 singles out and attempt to silence the voice of organizations that advocate on local government issues.

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Ridgecrest does hereby authorize a letter of opposition to SB 594 be signed by the Mayor and forwarded to the Honorable Jerry Hill and copies delivered to the 23rd Congressional District Senators and Assembly Members.

APPROVED AND ADOPTED this 4th day of September, 2013 by the following vote:

AYES
NOES
ABSTAIN
ABSENT

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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CITY OF RIDGECREST

Telephone 760 499-5000

FAX 760 499-1500

100 West California Avenue, Ridgecrest, California 93555-4054

September 5, 2013

The Honorable Jerry Hill
State Capitol, Room 5064
Sacramento, CA 95814
Fax: (916) 324-0283

RE: SB 594 (Hill): Limiting Ballot Advocacy by Local Government Organizations.

(As amended 8/7/2013)

Notice of Opposition

Dear Senator Hill:

The City of Ridgecrest regrets to inform you of our opposition to SB 594 (Hill). We oppose this measure because it would single-out and attempt to silence the voice of organizations that advocate on local government issues without any evidence of a problem.

By targeting organizations that represent local government, SB 594 is a direct attack on the voice of local government on ballot measures that could impact our communities and constituents.

Finally, we are disappointed that such a significant measure has been introduced via the practice of a "gut-and-amend." This represents the worst aspects of the legislative process. It wasn't until Friday, August 9th that this bill was available in print and amended into its current form. Given the impact that this measure would have on local government, the bill should be tabled for the year to allow time for the full legislative process and discussions with stakeholders.

For these reasons, the City of Ridgecrest respectfully opposes SB 594.

Sincerely,

Daniel O. Clark
Mayor
City of Ridgecrest

cc: Senator Barbara Boxer
Senator Diane Feinstein
Representative Kevin McCarthy
Assembly Appropriations Committee, FAX: (916) 319-2181
Nancy Cisneros, League of California Cities Regional Public Affairs Manager (via email)
Meg Desmond, League of California Cities, mdesmond@cacities.org

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AMENDED IN ASSEMBLY AUGUST 21, 2013

AMENDED IN ASSEMBLY AUGUST 07, 2013

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE APRIL 18, 2013

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

SENATE BILL

No. 594

Introduced by Senator Hill

February 22, 2013

An act to add Sections ~~8314.1, 8314.2, and~~ 54964.5 *and 54964.6* to the Government Code, relating to campaign activity.

LEGISLATIVE COUNSEL'S DIGEST

SB 594, as amended, Hill. Use of public resources.

(1) Existing law prohibits the use of public funds for campaign activities.

This bill would prohibit a nonprofit organization *or an officer, employee, or agent of a nonprofit organization* from using, or permitting another to use, public resources, including but not limited ~~to~~ *to*, public resources received in exchange for consideration, from a local agency for campaign ~~activities. This bill would also prohibit an officer, employee, or agent of a nonprofit organization from expending, or authorizing the expenditure of, public resources from a local agency to support or oppose a ballot~~

~~measure or candidate~~ activity, as defined and not authorized by law. This bill would define, among other terms, “public resources” to include, but not be limited to, cash, lands, buildings, funds, and ~~facilities~~, facilities owned by a local agency, and “nonprofit organization” to mean an entity incorporated under the ~~California~~ Nonprofit Corporation Law or a nonprofit organization that qualifies for exempt status under the federal Internal Revenue Code of 1986, except as specified. This bill would authorize a civil cause of action for a violation of these prohibitions and damages that include, but are not limited to, 3 times the value of the unlawful use of the public resources. This bill would authorize the Attorney General, a district attorney, and a city attorney of a city having a population in excess of 750,000 to seek ~~the~~ these civil remedies.

(2) Existing law requires qualifying individuals and political organizations to report specified information, including, but not limited to, political contributions, in statements filed with the Fair Political Practices Commission.

This bill would require an auditable nonprofit organization that engages in campaign activity to deposit into a separate bank account all “specific source or sources of funds” it receives and to pay for all campaign activity from that separate bank account. This bill would define, among other terms, “auditable nonprofit organization” to mean a nonprofit organization for which public resources from one or more local agencies account for more than 20% of the organization’s annual gross revenue, as specified, and “specific source or sources of funds” to mean any funds received by the auditable nonprofit organization that have been designated for campaign activity use or any other funds received by the nonprofit organization, including funds received in exchange for consideration, as specified.

This bill would further require an auditable nonprofit organization that engages in campaign activity to periodically disclose to the Attorney General, and post on its Internet Web site in a certain manner, the identity and amount of each specific source or sources of funds it receives for campaign activity, a description of the campaign activity, and the identity and amount of payments the organization makes from the required separate bank account, as specified. This bill would require the Attorney General to ~~regularly~~ biennially audit each auditable nonprofit organization, issue a written audit report, and transmit the report to the district attorney for the county in which the auditable nonprofit organization is domiciled. This bill would ~~require~~ authorize the Attorney General to assess a monetary civil penalty of up to \$10,000 against an auditable nonprofit organization for ~~a~~ each violation of these disclosure requirements, as specified.

DIGEST KEY

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

~~SECTION 1. Section 8314.1 is added to the Government Code, to read:~~

~~8314.1.~~

~~(a) It is unlawful for any nonprofit organization to use or permit others to use public resources, including, but not limited to, public resources received in exchange for consideration, from any local agency for any campaign activity not authorized by law.~~

~~(b) For purposes of this section:~~

~~(1) "Campaign activity" means a payment that is used for communications that expressly advocates for the approval or rejection of a clearly identified ballot measure or the election or defeat of a clearly identified candidate by the voters, or constitutes a campaign contribution.~~

~~(2) "Local agency" shall include those entities listed in Section 54951 and a public entity created pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1) by one or more entities listed in Section 54951, but "local agency" shall not include a county superintendent of schools, a school district, or a community college district.~~

~~(3) "Nonprofit organization" means an entity incorporated under the Nonprofit Corporation Law (Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code) or a nonprofit organization that qualifies for exempt status under Section 115 or 501(c), excluding Section 501(c)(3), of the Internal Revenue Code of 1986.~~

~~(4) "Public resources" means any property or asset owned by a local agency, including, but not limited to, cash, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and local government compensated time that is provided to a nonprofit organization.~~

~~(5) "Use" means a use of public resources from one or more local agencies that is substantial enough to result in a gain or advantage to the user or a loss to any local agency for which any monetary value may be estimated.~~

~~(c) This section does not prohibit the use of public resources for providing information to the public about the possible effects of any bond issuance or other ballot measure on state activities, operations, or policies, provided that the informational activities are otherwise authorized by the California Constitution or the laws of this state, and the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.~~

~~(d)(1) Any nonprofit organization that intentionally or negligently violates this section is liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day on which a violation occurs, plus three times the value of the unlawful use of public resources. The penalty shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney or any city attorney of a city having a population in excess of 750,000. If two or more nonprofit organizations are responsible for a violation, they shall be jointly and severally liable for the penalty. If the action is brought by the Attorney General, the moneys recovered shall be paid into the General Fund. If the action is brought by a~~

~~district attorney, the moneys recovered shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney, the moneys recovered shall be paid to the treasury of that city.~~

~~(2) A civil action alleging a violation of this section shall not be commenced more than four years after the date of the alleged violation.~~

~~SEC. 2. Section 8314.2 is added to the Government Code, to read:
8314.2.~~

~~(a) An auditable nonprofit organization that engages in campaign activity, either directly or through the control of another entity, shall deposit into a separate bank account all specific source or sources of funds received and shall pay for all campaign activity from that separate bank account.~~

~~(b) For purposes of this section:~~

~~(1) "Auditable nonprofit organization" means a nonprofit organization for which public resources from one or more local agencies account for more than 20 percent of the organization's annual gross revenue in the current fiscal year or either of the previous two fiscal years, including gross revenue from public resources received in exchange for consideration.~~

~~(2) "Specific source or sources of funds" shall mean any funds received by the auditable nonprofit organization that have been designated for campaign activity use or any other funds received by the nonprofit organization, including, but not limited to, funds received in exchange for consideration, that are used, in whole or in part, within a two-year period from receipt for campaign activity.~~

~~(3) Unless otherwise defined herein, the definitions found in subdivision (b) of Section 8314.1 shall apply to this section.~~

~~(c) Fifteen days after the end of each quarter, beginning with the first quarter of each odd year through the fourth quarter of the following even year, an auditable nonprofit organization that engages in campaign activity, either directly or through the control of another entity, at any point during that quarter shall disclose the following information for that quarter:~~

~~(1) The name and amount of each specific source or sources of funds used for campaign activity, provided that the aggregate amount of funds received since January 1 of the most recent odd year by an auditable nonprofit corporation from that specific source or sources of funds is at least two hundred fifty dollars (\$250).~~

~~(2) The name of the payee and amount of all payments aggregating two hundred fifty dollars (\$250) or more made from the single bank account required under subdivision (a).~~

~~(3) A description of each campaign activity.~~

~~(d) Fifteen days after the end of each even year, an auditable nonprofit organization that engages in campaign activity, either directly or through the control of another entity, at any point during that even year or the prior odd year shall disclose all the following information for those two calendar years:~~

~~(1) The name and amount of any specific source or sources of funds used for campaign activity, provided that the aggregate amount of funds received since January 1 of the most recent odd year by an auditable nonprofit corporation from that specific source or sources of funds is at least two hundred fifty dollars (\$250).~~

~~(2)The name of the payee and amount of all payments made from the single bank account required under subdivision (a).~~

~~(3)A description of each campaign activity.~~

~~(e)Each auditable nonprofit organization that engages in campaign activity, either directly or through the control of another entity, shall display on its Internet Web site the information it is required to disclose under this section. The information shall be clearly described and identified on a separate Internet Web page, which shall be linked from the home page of the organization's Internet Web site. The link to this Internet Web page from the home page shall be as visible as all similar links.~~

~~(f)The Attorney General shall conduct a biennial audit of each auditable nonprofit organization. Each auditable nonprofit organization shall provide records to the Attorney General that substantiate the information required to be disclosed by this section. The audit shall determine whether the organization complied with the requirements of Sections 8314.1 and this section. The Attorney General shall issue a written audit report and transmit it to the district attorney for the county in which the auditable nonprofit organization is domiciled.~~

~~(g)If the audit determines that an auditable nonprofit organization has violated Section 8314.1 or this section, the Attorney General may impose a fine upon the auditable nonprofit organization in an amount up to ten thousand dollars(\$10,000) for each violation.~~

SEC. 3. SECTION 1.

Section 54964.5 is added to the Government Code, to read:

54964.5.

(a) ~~An~~ *A nonprofit organization or an* officer, employee, or agent of a nonprofit organization ~~may not expend or authorize the expenditure of any public resources from any local agency to support or oppose the approval or rejection of a ballot measure or the election or defeat of a candidate by the voters.~~ *shall not use, or permit another to use, public resources, including, but not limited to, public resources received by the nonprofit organization in exchange for consideration, from any local agency for any campaign activity not authorized by law.*

(b) As used in this section, the following terms shall have the following meanings:

(1) "Ballot measure" means a state or local initiative, referendum, or recall measure certified to appear on a regular or special election ~~ballot.~~ *ballot or other measure submitted to the voters by the Legislature or the governing body of a local agency at a regular or special election.*

(2) "Campaign activity" means *a payment that is used for communications that expressly advocate for or against the qualification of a clearly identified measure, the approval or rejection of a clearly identified ballot measure, or the election or defeat of a clearly identified candidate by the voters, or that constitutes a campaign contribution.*

(A) *For the purposes of this section, "campaign activity" does not include the costs of an endorsement of a clearly identified ballot measure or candidate by a nonprofit organization through the adoption of a resolution supporting or opposing the ballot*

measure or candidate, including, but not limited to, posting the endorsement on the nonprofit organization's Internet Web site, communicating the endorsement to members of the nonprofit organization, or issuing a press statement.

(B) For the purposes of this section, "campaign activity" does not include incidental or minimal inadvertent use of public resources.

(C) For purposes of this section, "campaign activity" does not include incidental costs related to the establishment or administration of a sponsored committee as defined in Section 82048.7, provided public resources are not used to pay for that cost. A reasonable accounting method may be used to determine the use of nonpublic resources to pay for that cost. "Establishment and administration" means the cost of office space, telephones, salaries, utilities, supplies, legal and accounting fees, and other expenses incurred in establishing and operating a sponsored committee.

~~(2)~~

(3) "Candidate" means an individual who has qualified to have his or her name listed on the ballot, or who has qualified to have write-in votes on his or her behalf counted by elections officials, for nomination or election to an elective office at any regular or special primary or general election, and includes any officeholder who is the subject of a recall election.

~~(3)~~

(4) "Expenditure" means a payment ~~that is~~ used for communications that expressly advocate the approval or rejection of a clearly identified ballot measure, or the election or defeat of a clearly identified candidate, by the voters or that constitutes a campaign contribution.

~~(4)~~

(5) "Local agency" shall include those entities listed in Section 54951 and a public entity created pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1) by one or more entities listed in Section ~~54951, but "local agency" shall not include a county superintendent of schools, an elementary school, high school, or unified school district, or a community college district~~ 54951.

~~(5)~~

(6) "Nonprofit organization" means any entity incorporated under the Nonprofit Corporation Law (Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code) or a nonprofit organization that qualifies for exempt status under Section 115 or ~~501(e), excluding 501(c) of the Internal Revenue Code. "Nonprofit organization" shall not include a nonprofit organization exempt under Section 501(e)(3), 501(c)(3) of the Internal Revenue Code of 1986.~~

~~(6)~~

(7) "Public resources" means any property or asset owned by ~~any~~ a local agency, including, but not limited to, cash, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and local government compensated time that is provided to a nonprofit organization.

(8) "Use" means a use of public resources from one or more local agencies that is substantial enough to result in a gain or advantage to the user or a loss to any local agency for which any monetary value may be estimated.

(c) This section does not prohibit the use of public resources for providing information to the public about the possible effects of any ~~bond issuance or other~~ ballot measure on ~~state the~~ activities, operations, or ~~policies,~~ *policies of the state or a local agency,* provided that the informational activities ~~are otherwise authorized by the California Constitution or the laws of this state, and the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.~~ *meet both of the following conditions:*

(1) The informational activities are not otherwise prohibited by the California Constitution or the laws of this state.

(2) The information provided constitutes an accurate, fair, and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the ballot measure.

(d) (1) Any person who intentionally or negligently violates this section is liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day on which a violation occurs, plus three times the value of the unlawful use of public resources. The penalty shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney or any city attorney of a city having a population in excess of 750,000. If two or more persons are responsible for any violation, they shall be jointly and severally liable for the penalty. If the action is brought by the Attorney General, the moneys recovered shall be paid into the General Fund. If the action is brought by a district attorney, the moneys recovered shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney, the moneys recovered shall be paid to the treasury of that city.

(2) A civil action alleging a violation of this section shall not be commenced more than four years after the date of the alleged violation.

SEC. 2.

Section 54964.6 is added to the Government Code, to read:

54964.6.

(a) An auditable nonprofit organization that engages in campaign activity, either directly or through the control of another entity, shall deposit into a separate bank account all specific source or sources of funds received and shall pay for all campaign activity from that separate bank account.

(b) As used in this section, the following terms shall have the following meanings:

(1) "Auditable nonprofit organization" means a nonprofit organization for which public resources from one or more local agencies account for more than 20 percent of the

nonprofit organization's annual gross revenue in the current fiscal year or either of the previous two fiscal years, including gross revenue from public resources received by the nonprofit organization in exchange for consideration. An auditable nonprofit organization shall not include a nonprofit organization that sponsors a committee, as defined in Section 82048.7 of the Government Code, if the nonprofit organization reports all contributions it received and all expenditures it made on campaign disclosure statements filed by the sponsored committee and the nonprofit organization makes no payments from its general treasury to the sponsored committee other than payments for contributions by donors earmarked for the sponsored committee. For purposes of this subdivision, "earmarked" means a payment by a donor to a nonprofit organization subject to a condition, agreement, or understanding that the payment will be used for making contributions or independent expenditures by the sponsored committee of the sponsoring nonprofit organization.

(2) "Specific source or sources of funds" shall mean any funds received by the auditable nonprofit organization that have been designated for campaign activity use or any other funds received by the nonprofit organization, including, but not limited to, funds received by the nonprofit in exchange for consideration, that are used, in whole or in part, within a two-year period from receipt for campaign activity.

(3) Unless otherwise defined herein, the definitions found in subdivision (b) of Section 54964.5 shall apply to this section.

(c) Fifteen days after the end of each quarter, an auditable nonprofit organization that engages in campaign activity, either directly or through the control of another entity, at any point during that quarter shall disclose the following information for that quarter:

(1) The name and amount of each specific source or sources of funds used for campaign activity, provided that the aggregate amount of funds received since January 1 of the most recent odd year by an auditable nonprofit organization from that specific source or sources of funds is at least two hundred fifty dollars (\$250).

(2) The name of the payee and amount of all payments aggregating two hundred fifty dollars (\$250) or more made from the single bank account required under subdivision (a).

(3) A description of each campaign activity.

(d) Fifteen days after the end of each even year, an auditable nonprofit organization that engages in campaign activity, either directly or through the control of another entity, at any point during that even year or the prior odd year shall disclose all the following information for those two calendar years:

(1) The name and amount of any specific source or sources of funds used for campaign activity, provided that the aggregate amount of funds received since January 1 of the most recent odd year by an auditable nonprofit organization from that specific source or sources of funds is at least two hundred fifty dollars (\$250).

(2) The name of the payee and amount of all payments made from the single bank account required under subdivision (a).

(3) A description of each campaign activity.

(e) Each auditable nonprofit organization that engages in campaign activity, either directly or through the control of another entity, shall display on its Internet Web site the information it is required to disclose under this section. The information shall be clearly described and identified on a separate Internet Web page, which shall be linked from the homepage of the organization's Internet Web site. The link to this Internet Web page from the homepage shall be as visible as all similar links.

(f) The Attorney General shall conduct a biennial audit of each auditable nonprofit organization that engages in campaign activity. Each auditable nonprofit organization shall provide records to the Attorney General that substantiate the information required to be disclosed by this section. The Attorney General shall determine whether the organization complied with the requirements of Section 54964.5 and this section, issue a written audit report, and transmit the written audit report to the district attorney for the county in which the auditable nonprofit organization is domiciled.

(g) If the Attorney General determines at the conclusion of an audit that an auditable nonprofit organization has violated Section 54964.5 or this section, the Attorney General may impose a civil fine upon the auditable nonprofit organization in an amount up to ten thousand dollars (\$10,000) for each violation.

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Date of Hearing: August 15, 2013

ASSEMBLY COMMITTEE ON JUDICIARY
Bob Wieckowski, Chair
SB 594 (Hill) – As Amended: August 7, 2013

SENATE VOTE: Not Relevant

SUBJECT: USE OF PUBLIC RESOURCES: CAMPAIGN ACTIVITIES

KEY ISSUES:

- 1) SHOULD A NONPROFIT ORGANIZATION BE PROHIBITED FROM USING PUBLIC RESOURCES, AS DEFINED, FOR POLITICAL CAMPAIGN ACTIVITY?
- 2) SHOULD A NONPROFIT ORGANIZATION THAT RECEIVES 20 PERCENT OF ITS REVENUE FROM LOCAL AGENCIES BE REQUIRED TO MAINTAIN A SEPARATE BANK ACCOUNT FOR CAMPAIGN ACTIVITIES, AND MAKE SPECIFIED DISCLOSURES ABOUT THE SOURCES OF THESE FUNDS AND HOW THEY ARE SPENT?

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

SYNOPSIS

This bill was a gut and amend created last week on August 7th, so the Committee has not had much time to review it, nor have interested parties had much time to consider it. In its new form, it seeks to prohibit a nonprofit organization from using, for campaign activities, any public resources – including public resources received in exchange for consideration – it receives from a local agency. In addition, the bill would require any nonprofit organization that receives at least 20% of its total revenue from public resources to deposit funds in a separate account and to pay for all campaign activity from that separate account. Existing law prohibits an elected or appointed official, or any public employee or consultant, from using "public resources" for political campaign activity. In addition, the Political Reform Act requires qualifying individuals and organization to disclose specified information about campaign funding sources and expenditures in statements filed with the Fair Political Practices Commission.

According to the author, nonprofit groups like the League of California Cities and the California State Association of Counties receive funding from local governments and agencies that is then inappropriately co-mingled with non-public sources and used for political activity. According to the author, this not only allows these organizations to spend public resources on campaign activity – thereby violating at least the spirit of the law – it also means that they do not report the true sources of their campaign expenditures. The bill is supported by campaign reform groups and labor organizations. The League of California Cities, California State Associations of Counties (CSAC), the Urban Counties Caucus, California District Attorneys Association, California Police Chiefs Association, California Special Districts Association, the Rural County Representatives of California, and several other non-profit associations strongly oppose this bill, in part because of the substance of the bill, and in part because the measure is being proposed so late in the process. The Elections Committee passed the bill by a vote of 5-0.

SUMMARY: Seeks to prohibit nonprofit organizations and their employees, officers, or agents from using funds received from local agencies for campaign purposes, as specified, and requires nonprofit organizations that receive specified amounts of money from local agencies to maintain a separate bank account for campaign activities and to disclose the sources of those funds, as specified. Specifically, this bill:

- 1) Makes it unlawful for a nonprofit organization to use or permit others to use public resources, including, but not limited to, public resources received in exchange for consideration, from any local agency for any campaign activity not authorized by law. Prohibits an officer, employee, or agent of a nonprofit organization from expending or authorizing the expenditure of any public resources from any local agency to support or oppose the approval or rejection of a ballot measure or the election or defeat of a candidate. Defines the following terms for the purposes of these provisions:
 - a) "Ballot measure" means a state or local initiative, referendum, or recall measure certified to appear on a regular or special election ballot.
 - b) "Campaign activity" means a payment that is used for communications that expressly advocate for the approval or rejection of a clearly identified ballot measure or the election or defeat of a clearly identified candidate by the voters, or that constitutes a campaign contribution.
 - c) "Candidate" means an individual who has qualified to have his or her name listed on the ballot, or who has qualified to have write-in votes on his or her behalf counted by elections officials, for nomination or election to an elective office at any regular or special primary or general election, including any officeholder who is the subject of a recall election.
 - d) "Expenditure" means a payment that is used for communications that expressly advocate the approval or rejection of a clearly identified ballot measure, or the election or defeat of a clearly identified candidate, by the voters or that constitutes a campaign contribution.
 - e) "Local agency" means a county, city (whether general law or chartered), city and county, town, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, other local public agency, or a public entity created pursuant to the Joint Exercise of Powers Act by one or more of these entities. Provides that the term "local agency" does not include a county superintendent of schools, a school district, or a community college district.
 - f) "Nonprofit organization" means an entity incorporated under the Nonprofit Corporation Law, or a nonprofit organization that qualifies for exempt status under Section 115 or 501(c), excluding Section 501(c)(3), of the Internal Revenue Code.
 - g) "Public resources" means any property or asset owned by a local agency, including, but not limited to, cash, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and local government compensated time that is provided to a nonprofit organization.

- h) "Use" means a use of public resources from one or more local agencies that is substantial enough to result in a gain or advantage to the user or a loss to any local agency for which any monetary value may be estimated.
- 2) Provides that the prohibitions on the use of public resources described above do not prohibit the use of public resources for providing information to the public about the possible effects of any bond issuance or other ballot measure on state activities, operations, or policies, provided that the informational activities are otherwise authorized by the California Constitution or by the laws of this state, and that the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.
- 3) Provides that a nonprofit organization or person that intentionally or negligently violates the provisions of this bill prohibiting the use of public resources is liable for a civil penalty not to exceed \$1,000 for each day on which the violation occurs, plus three times the value of the unlawful use of public resources. Provides for the penalty to be assessed and recovered in a civil action brought by the Attorney General (AG), any district attorney, or any city attorney of a city having a population in excess of 750,000. Provides that if two or more nonprofit organizations or persons are responsible for a violation, they are jointly and severally liable for the penalty. Provides that if the action is brought by the AG, the moneys recovered shall be paid into the General Fund; if the action is brought by a district attorney, the moneys recovered shall be paid to the treasurer of the county in which the judgment was entered; and if the action is brought by a city attorney, the moneys recovered shall be paid to the treasury of that city. Prohibits a civil action alleging a violation of this provision from being commenced more than four years after the date of the alleged violation.
- 4) Requires certain nonprofit organizations that receive more than 20% of their gross revenues from local agencies to deposit funds designated for campaign use into a separate account and to prepare quarterly reports disclosing their campaign activities, as follows:
- a) Defines "auditable nonprofit organization," for the purposes of this bill, as a nonprofit organization for which public resources from one or more local agencies account for more than 20% of the organization's annual gross revenue in the current fiscal year or either of the previous two fiscal years, including gross revenue from public resources received in exchange for consideration.
- b) Defines "specific source or sources of funds," for the purposes of this bill, to mean any funds received by an auditable nonprofit organization that have been designated for campaign activity use or any other funds received by the nonprofit organization, including, but not limited to, funds received in exchange for consideration, that are used, in whole or in part, within a two-year period from receipt for campaign activity.
- c) Requires an auditable nonprofit organization that engages in campaign activity, either directly or through the control of another entity, to deposit all specific source or sources of funds received into a separate bank account, and to pay for all campaign activity from that separate bank account.
- d) Requires an auditable nonprofit organization that engages in campaign activity at any point during a calendar quarter to disclose the following information within fifteen days

after the end of the quarter:

- i) The name and amount of each specific source or sources of funds used for campaign activity, provided that the aggregate amount of funds received since January 1 of the most recent odd year by the auditable nonprofit organization from that specific source or sources of funds is at least \$250;
 - ii) The name of the payee and amount of all payments aggregating \$250 or more made from the single bank account required pursuant to this bill; and,
 - iii) A description of each campaign activity.
- e) Requires an auditable nonprofit organization that engages in campaign activity at any point during a two-year period, beginning with an odd-numbered year and ending with the following even-numbered year, to disclose the following information within fifteen days after the end of the even-numbered year:
- i) The name and amount of any specific source or sources of funds used for campaign activity, provided that the aggregate amount of funds received since January 1 of the most recent odd year by the auditable nonprofit organization from that specific source or sources of funds is at least \$250;
 - ii) The name of the payee and amount of all payments aggregating \$250 or more made from the single bank account required pursuant to this bill; and,
 - iii) A description of each campaign activity.
- f) Requires each auditable nonprofit organization that engages in campaign activity to display the information required to be disclosed by this bill on its Web site. Requires the information to be clearly described and identified on a separate Web page that is linked from the home page of the Web site.
- g) Requires the Attorney General (AG) to conduct a biennial audit of each auditable nonprofit organization. Requires each auditable nonprofit organization to provide records to the AG that substantiate the information required to be disclosed under this bill. Requires the audit to determine whether the organization complied with the requirements of this bill. Requires the AG to issue a written audit report and transmit it to the district attorney for the county in which the auditable nonprofit organization is domiciled.
- 5) Provides that if an audit by the AG of an auditable nonprofit organization determines that the organization has violated the provisions of this bill, the AG may impose a fine on the organization in an amount up to \$10,000 for each violation.

EXISTING LAW:

- 1) Makes it unlawful for an elected state or local officer, appointee, employee, or consultant to use, or permit others to use, public resources for a campaign activity. (Government Code Sections 8314 and 54964.)

- 2) Requires, under the California Political Reform Act, qualifying individuals and political organizations to disclose specified information, including, but not limited to, political contributions, in statements filed with the Fair Political Practices Commission. (Government Code Section 81000 *et seq.*)

COMMENTS: According to the author, this measure seeks to "eliminate existing loopholes utilized by taxpayer-financed nonprofit organizations and curb their practice of 'co-mingling' public and private resources and ultimately using the co-mingled funds for campaign activity." "Strengthening our laws in this regard," the author believes, "strengthens a taxpayer's right to know and bolster the integrity of California's taxpayer-financed nonprofit organization." The author and supporters single out, in particular, the League of California Cities (League) and California State Association of Counties (CSAC), as the kinds of nonprofit organizations that this bill is intended to target. However, the bill would apply to all nonprofit organizations, which are defined as any entity incorporated under the Nonprofit Corporation Law, or a nonprofit organization that qualifies for exempt status under Section 115 or 501(c), excluding Section 501(c)(3), of the Internal Revenue Code.

Prohibition on Use of "Public Resources:" This bill would prohibit a nonprofit organization – including any officer, employee, or agent of the organization – from using, or permitting another to use, public resources received from a local agency for campaign activities. The bill defines "campaign activity" to mean any payment that is used to expressly advocate for the approval or disapproval of a ballot measure or the election or defeat of a clearly identified candidate. The bill takes a rather broad view of what constitutes "public resources." That is, it includes not just monetary funding, but any property or asset owned by a local agency, including, but not limited to, "cash, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and local government compensated time that is provided to a non-profit organization." Most controversially from the opposition's point of view (see below), the bill would also define "public resources" to include any resources for which the nonprofit organization has given consideration. In other words, any service performed by a nonprofit for a local agency, and for which it received payment, would be considered "public resources" under this bill.

Separate Account and Disclosure Requirements: In addition, the bill would require any nonprofit organization that receives more than 20% of its annual revenue from public resources – including public resources obtained for consideration – to deposit into a separate bank account all sources of funds received, and it also requires the nonprofit to pay for all campaign activity from that separate account. In addition, the bill would require a nonprofit organization that engages in campaign activity to periodically disclose to the Attorney General, and post on its Web site, the identity and amount of each specific source of funds it receives for campaign activity, a description of the campaign activity, and the identity and amount of payments that the organization makes from the required separate account.

Attorney General Responsibilities and Civil Penalties: The bill would require the Attorney General to regularly audit the qualifying nonprofit organizations, issue a written audit report, and transmit the report to the district attorney for the county in which the nonprofit organization is domiciled. Finally, a nonprofit organization that violates the provision of this bill prohibiting the expenditure of public resources on campaign activity would be liable for civil penalty of \$1,000 for each day on which the violation occurs. The fine shall be collected in an action brought by the Attorney General, a local district attorney, or by a city attorney, as specified.

What Kind of Nonprofit Organizations Does the Bill Seek to Reach? In the background materials in support of this bill, the author indicates that there is "credible reason to believe" that certain nonprofit organizations are making campaign expenditures from accounts that are "financed in whole or in part by public dollars." In particular, the author points to millions of dollars spent on ballot measure campaigns by the League of California Cities (League) and the California State Association of Counties (CSAC) in the past decade. The author notes that the League and CSAC receive millions of dollars in promotion and marketing fees from the California Statewide Communities Development Authority (CSCDA), a Joint Powers Authority created by the League and CSAC that provides tax-exempt bond financing. The author argues that because CSCDA is a public entity, and because the bonds it issues are tax exempt, any profits earned as a result of bond sales belong to the taxpayers, and should not be used for campaign purposes. The author further states that it is impossible to determine whether these organizations are using public resources for campaign purposes impermissibly, since these nonprofit organizations are not currently required to publicly disclose the source of revenue that is used for campaign purposes. As drafted, the bill applies not just to the League and CSAC, but to any nonprofit organization that receives any "public resources" – broadly defined – from a local agency.

Relationship to Political Reform Act: As noted in the opposition letter provided by the California Special Districts Association, by limiting the use of certain funds for campaign activity and by requiring disclosures about the sources of expenditures related to political campaign activity, the bill appears to potentially overlap with requirements and provisions of the Political Reform Act of 1974. Because the Political Reform Act was a ballot measure, any amendment to the Act, by its own provisions, requires a two-thirds vote. Although this bill does not technically amend the provisions of Political Reform Act per se, it does seek to add new requirements dealing with the same subject matter. The California courts have held that a bill does not necessarily need to amend the specific code sections that constitute the Political Reform Act in order to constitute an amendment of the Act. If a bill adds to, takes away from, or alters a requirement of the Political Reform Act, it effectively amends the Political Reform Act even if those amendments are not contained within the provisions of the Act itself. (*Huenig v. Eu* (1991) 231 Cal. App. 3d 766.)

POSSIBLE AUTHOR AMENDMENTS TO BE TAKEN IN ASSEMBLY APPROPRIATIONS COMMITTEE: When this bill was heard on Tuesday, August 13, in the Assembly Committee on Elections and Redistricting, the author indicated that he would consider two amendments. At the time of this writing, it is not clear to the Committee what the precise language of those amendments will consist of or even if the author still intends to take them. Because of time constraints, if the author still intends to take these amendments, they will be taken in the Assembly Appropriations Committee. In general, the two amendments reportedly would do the following:

Possible Amendment #1: As noted in the analysis produced by the Assembly Elections and Redistricting Committee, the provisions of this bill relating to payments made by local agencies specifically exclude county superintendents of schools, school districts, and community college districts from the definition of the term "local agency." Materials provided by the author's office explain that these entities have been excluded because they "are already covered by restrictions contained in the Education Code." However, the cited provisions of the Education Code are narrower in scope than the restrictions proposed by this bill. The Committee may wish to

discuss with the author if he believes the broader restrictions proposed by this bill are preferable to existing restrictions – and that there is no reason to treat payments made by local educational entities differently than payments made by any other local agency – then this exemption could be easily accomplished by simply deleting the exempting language on page 4 lines 18 to 20 of the bill in print.

Possible Amendment #2: Section 1 of this bill, which proposes to add Section 8314.1 to the Government Code, places restrictions on the use of public resources by nonprofit organizations. Section 3 of this bill adds Section 54964.5 to the Government Code and places similar restrictions on the use of public resources by the *officers, employees, and agents* of nonprofit organizations. While the restrictions imposed by these two sections are similar, they are not identical, as there are many small differences between the terminologies used in the two sections. In order to avoid possible inconsistency and redundancy, the author is apparently considering an amendment that will combine Section 1 and Section 3 or, alternatively, to make the terminology consistent in both sections.

ARGUMENTS IN SUPPORT: According to the author: "Disclosure and transparency are particularly crucial when public resources are involved. As public agencies continue to cut back on essential public services due to financial struggles, California taxpayers deserve to understand just how their tax dollars are being used. As such, there is a need to eliminate existing loopholes utilized by taxpayer-financed nonprofit organizations and curb their practice of "co-mingling" public and private resources and ultimately using the co-mingled funds for campaign activity. Under existing law, even when the funds used are from "non-public" funds, disclosure of the source of those funds is non-existent. Strengthening our laws in this regard will not only strengthen a taxpayer's right to know and bolster the integrity of California's taxpayer-financed nonprofit organizations, but also restore the public's trust." The author believes that this bill will remedy this problem "by creating a more robust prohibition on the use of public resources for campaign activities. It provides an appropriate level of transparency and an enforcement mechanism, which are applicable to taxpayer-financed nonprofit organizations that spend non-public resources on political campaign activities."

According to the California Professional Firefighters (CPF), this bill "creates more robust prohibition on the use of public resources for political purposes by taxpayer-financed nonprofit organizations, as well as provides for an appropriate level of transparency and related enforcement mechanisms." CPF contends that at a time when essential public services are facing cut backs, "it is in the public's best interest to ensure transparency and facilitate proper disclosure of how taxpayer dollars are being used." CPF also notes that organizations like itself are held to multiple levels of disclosures, and argues that government funded non-profit organizations that engage in political activity should be held to the same standard. CPF acknowledges that these publicly-funded non-profit organizations provide many valuable public services, but if they co-mingle public and non-public resources and engage in political activity, they should disclose their source of funds. SB 594 "doesn't seek to change the way these agencies operate in any way," CPF contends, it "simply creates a means by which the public can be assured that their dollars aren't being spent on political campaigns and when these nonprofits engage in political activity, proper disclosure will tell the whole story that is otherwise obfuscated today."

ARGUMENTS IN OPPOSITION: The League of California Cities strongly opposes this measure and objects to the allegation that it has been "co-mingling" public and non-public funds in financing political activity. Specifically, the League raises several objections to the bill.

First, the League rejects the "unsubstantiated allegation" that it is inappropriately co-mingling funds or making campaign contributions from accounts that are financed in whole or in part with public dollars. The League writes that it "scrupulously adhered to all legal requirements associated with ballot campaign activity. The League regularly advises its members on the scope of the existing use of public funds prohibition. We publish articles and other information for informing and training local officials. When the League is involved in a ballot measure campaign (we never get involved in candidate races), we regularly advise our staff and members on how to comply with the law. To the extent non-public funds have been contributed to a ballot campaign they are derived from legally-permitted sources." The League adds that their practices have been validated by the Fair Political Practices Commission, noting that in response to a similar allegation made by the Howard Jarvis Taxpayers Association against the League and others, the FPPC ruled in November 2009, after a one-year investigation, that there was "no evidence that public funds were used to make political contributions by the organizations."

Second, the League contends that this measure is an "effort to weaken and silence the voice of local government." The League notes that the "California ballot process has become a major policy forum where decisions are made that have widespread impacts on all Californians. Many organizations and entities have become active on ballot measures to ensure the public has a full understanding of the effect of these measures, and many of them have potential financial or policy impact on local governments." Finally, the League opposes this measure because it "singles-out specific types of organizations for these restrictive provisions, but exempts others. This is inequitable. If the Legislature desires to adopt broader disclosure policies, then they should apply to all organizations active on ballot measures." (NOTE: This objection may be partially met by the author's agreement to remove the exemption of funds received from local school and community college districts in the next committee.)

The California State Association of Counties (CSAC) opposes this bill for substantially the same reasons as those set forth by the League, but it adds that "SB 594 is a solution in search of a problem." CSAC writes that it is prepared to spend the time necessary with the author to discuss its processes for engaging in statewide ballot measures, its finances, and its relationships with other local agencies. Finally, CSAC adds: "[W]e reject any assertion that we have evaded the law when it comes to CSAC's participation in California's initiative process. We are strongly opposed to any efforts to effectively eliminate our voice in matters of statewide importance, particularly those proposed at the last days of the legislative session."

The Urban Counties Caucus (UCC) believes that this bill will set a "dangerous precedent" for all nonprofits. First, UCC claims that the bill will create "a new process and restrictions on nonprofits to use public funds for campaigns or ballot measures which include significant new reporting requirements, audits by the Attorney General, and accounting requirements." UCC claims that while it has never donated any funds for campaign purposes, it has taken positions on ballot measures. UCC fears that "SB 594 is so broadly worded it is unclear if the provisions in this bill would allow us to take any position on a ballot measure and therefore would significantly impact our ability to provide input in a public process." UCC believes that "SB 594 seems to be intended to limit our ability to provide input or take positions on measures. While we have not been as active as other nonprofits, this bill sets a dangerous precedent by singling

out local agencies and restricting our ability to participate in the initiative process." Finally, UCC suggests that the bill is unnecessary, noting that it already files quarterly reports with the FPPC and is already required to provide information on campaign donations that are available to the public.

The California Police Chiefs Association (CPCA) opposes this measure because, it contends, the bill "rests on a factually incorrect premise" that nonprofit organizations like the CPCA are co-mingling funds to circumvent the existing restrictions on the use of public recourses for political campaign activity. CPCA writes that it regularly advises its members "on the scope of the existing use of public funds prohibition. We publish articles and other information for informing and training local officials. When the California Police Chiefs Association is involved in a ballot measure campaign we regularly advise our staff and members on how to comply with the law. To the extent non-public funds have been contributed to a ballot campaign they are derived from legally-permitted sources. When we endorse candidates we vet all campaign material that uses the name or the insignia of the California Police Chiefs Association and our members are prohibited from appearing in uniform at any candidate events." This bill is opposed by the California State Sheriffs' Association and the California District Attorneys Association for substantially the same reasons.

The California Society of Association Executives (CalSAE), which represents several nonprofit associations in California, opposes this bill on several grounds. First CalSAE points out that nonprofit associations include an array of groups and interests, not just the League of California Cities and CSAC. CalSAE also believes that "this legislation unjustly hampers non-profit associations' ability to represent public sector organizations, their members and employees." CalSAE writes that while most of the professional associations that it represents focus on education, learning and providing information to their members, they also at times represent those members in the legislative and political process. CalSAE claims that all of these associations know and respect the rules regarding the use of association funds for political campaigns. In addition, CalSAE maintains that local elected bodies and individuals are "proper and thoughtful stewards of public funds," and that they can legitimately decide when and if public funds can and should be provided to their respective associations to collectively represent them in political activity. Finally, CalSAE – like most of the other opponents – more generally objects to "the introduction of last minute legislation through a 'gut and amend' process" that does "not provide adequate time for the needed and necessary interaction between the legislature and the impacted parties."

Related Legislation: AB 621 (Wagner), which is pending in the Senate Governance and Finance Committee, would prohibit a local agency from entering into specified relationships with an individual or firm with respect to a new issue of bonds requiring voter approval if the individual or firm provides bond campaign services to the bond campaign.

Previous Legislation: AB 1992 (DeVore) of 2008 would have prohibited an organization or association that represented local agencies and that was funded in part by payments made by local agencies from using the organization's or association's resources, whether derived from public funds or not, for a campaign activity, or a personal or other purpose not authorized by law. AB 1992 failed passage in the Elections Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Clean Money Campaign
California Common Cause
California Labor Federation
California Professional Firefighters
State Building and Construction Trades Council, AFL-CIO

Opposition

Air Conditioning Trade Association
Associated Builders and Contractors of California
Association of California Health Care Districts
California District Attorneys Association
California Police Chiefs Association
California Society of Association Executives
California Special Districts Association
California State Association of Counties
California State Sheriffs' Association
League of California Cities
Plumbing-Heating-Cooling Contractors Association of California
Rural County Representatives Association
Urban Counties Caucus
Western Electrical Contractors Association

Analysis Prepared by: Thomas Clark / JUD. / (916) 319-2334



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

November 12, 2009

Steven S. Lucas
Nielsen, Merksamer, Parrinello, Muller & Naylor, LLP
2350 Kerner Boulevard, Suite 250
San Rafael, CA 94901

Re: FPPC Cases; 08/0021 - League of California Cities, 08/0075 - California State Association of Counties, and 08/0076 - California Redevelopment Association

Dear Mr. Lucas:

The Fair Political Practices Commission (the FPPC) enforces the provisions of the Political Reform Act¹ ("Act"). We are sending this letter to you because you represent the above listed entities. As you are aware, the FPPC received a complaint alleging that the above listed entities violated the Act by not filing required campaign statements as recipient committees and used public funds to make political contributions.

This letter is to advise you that we have completed our review of the foregoing allegation and found no violation of the Act.

Thank you,

A handwritten signature in cursive script that reads "Grant Beauchamp".

Grant Beauchamp
Program Specialist
Enforcement Division

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.



FAIR POLITICAL PRACTICES COMMISSION

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November 12, 2009

Honorable John Campbell
c/o Howard Jarvis Taxpayers Association
921 11th Street, Suite 1201
Sacramento, CA 95814

Re: FPPC Cases; 08/0021 - League of California Cities, 08/0075 - California State Association of Counties, and 08/0076 - California Redevelopment Association

Dear Representative Campbell:

In response to the sworn complaint you submitted regarding the above-referenced organizations, please be advised that, for the reasons set forth below, the Enforcement Division is closing its file on this matter without instituting an enforcement action.

In summary, the complaint alleged that the League of California Cities ("LCC"), the California State Association of Counties ("CSAC"), and the California Redevelopment Association ("RSA") violated the Political Reform Act¹ ("Act") by not filing required campaign statements as recipient committees to disclose the true source of funds used to make contributions, and used public funds to make political contributions.

The Fair Political Practices Commission enforces the provisions of the Act. Our investigation of the allegations revealed that LCC, CSAC, and RSA segregate their financial activities to distinguish between revenue sources and related expenses. We found no evidence that funds from membership dues or other donations were used to make contributions which would have qualified LCC, CSAC, and RSA as recipient committees. In addition, we did not find evidence that public funds were used to make political contributions by the organizations.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

If you have any questions, or if you wish to speak with someone in the Enforcement Division about your correspondence, you may call me at (916) 327-6359. Thank you for your interest in the Commission.

Sincerely,

A handwritten signature in cursive script that reads "Grant Beauchamp". The signature is written in black ink and is positioned above the typed name.

Grant Beauchamp
Program Specialist
Enforcement Division



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

November 12, 2009

Jon Coupal
Howard Jarvis Taxpayers Association
921 11th Street, Suite 1201
Sacramento, CA 95814

Re: FPPC Cases; 08/0021 - League of California Cities, 08/0075 - California State Association of Counties, and 08/0076 - California Redevelopment Association

Dear Mr. Coupal:

In response to the sworn complaint you submitted regarding the above-referenced organizations, please be advised that, for the reasons set forth below, the Enforcement Division is closing its file on this matter without instituting an enforcement action.

In summary, the complaint alleged that the League of California Cities ("LCC"), the California State Association of Counties ("CSAC"), and the California Redevelopment Association ("RSA") violated the Political Reform Act¹ ("Act") by not filing required campaign statements as recipient committees to disclose the true source of funds used to make contributions, and used public funds to make political contributions.

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Sincerely,

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Grant Beauchamp
Program Specialist
Enforcement Division



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

November 12, 2009

Trevor Grimm
Howard Jarvis Taxpayers Association
921 11th Street, Suite 1201
Sacramento, CA 95814

Re: FPPC Cases; 08/0021 - League of California Cities, 08/0075 - California State Association of Counties, and 08/0076 - California Redevelopment Association

Dear Mr. Grimm:

In response to the sworn complaint you submitted regarding the above-referenced organizations, please be advised that, for the reasons set forth below, the Enforcement Division is closing its file on this matter without instituting an enforcement action.

In summary, the complaint alleged that the League of California Cities ("LCC"), the California State Association of Counties ("CSAC"), and the California Redevelopment Association ("RSA") violated the Political Reform Act¹ ("Act") by not filing required campaign statements as recipient committees to disclose the true source of funds used to make contributions, and used public funds to make political contributions.

The Fair Political Practices Commission enforces the provisions of the Act. Our investigation of the allegations revealed that LCC, CSAC, and RSA segregate their financial activities to distinguish between revenue sources and related expenses. We found no evidence that funds from membership dues or other donations were used to make contributions which would have qualified LCC, CSAC, and RSA as recipient committees. In addition, we did not find evidence that public funds were used to make political contributions by the organizations.

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If you have any questions, or if you wish to speak with someone in the Enforcement Division about your correspondence, you may call me at (916) 327-6359. Thank you for your interest in the Commission.

Sincerely,

A handwritten signature in cursive script that reads "Grant Beauchamp".

Grant Beauchamp
Program Specialist
Enforcement Division

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST ELIMINATING STANDING COMMITTEES AND REAFFIRMING CITY'S ABILITY TO FORM *AD HOC* COMMITTEES

PRESENTED BY:

Rachel Ford – City Clerk

SUMMARY:

At the regular meeting of the Ridgecrest City Council on August 7, 2013, Council passed a minute motion to eliminate standing committees and directing the City Attorney to proceed with the amendment for a future Council meeting.

Upon further review, it was determined by the Attorney that the current standing Council Committees were established by multiple resolutions.

This resolution rescinds the past resolution no's 01-50; 07-11; 05-43; and 99-80. Additional language requested by Council to allow the formation of Ad Hoc committees as needed has been included in the resolution.

The resolution is brought before council for discussion and adoption.

FISCAL IMPACT:

No Fiscal Impact

Reviewed by Finance Director

ACTION REQUESTED:

Adopt A Resolution Rescinding Resolution No's 01-50, 07-11, 05,43, And 99-80, Eliminating Standing Committees And Reaffirming Council's Ability To Form Ad Hoc Committees

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approve as submitted

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RESOLUTION NO. 13-xx

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST
ELIMINATING STANDING COMMITTEES AND REAFFIRMING CITY'S
ABILITY TO FORM *AD HOC* COMMITTEES**

1. PURPOSE AND SCOPE.

City may, by resolution, create and eliminate standing committees pursuant to Municipal Code section 2-3.107. City may also at any time create *ad hoc* committees pursuant to Municipal Code section 3-2.116. This resolution (1) eliminates standing committees as set forth below, and (2) reaffirms City's ability to create *ad hoc* committees at any time the City Council finds necessary.

2. FINDINGS.

The City Council finds, determines, and declares:

- (a) That City's financial condition caused it to declare a financial emergency in 2012;
- (b) That City has combated said condition by, in part, cutting costs and City staff;
- (c) That preparation for, and attendance at, City's standing committees by remaining City staff takes valuable time from City's staff to perform other City duties; and
- (d) That other, less onerous options in accomplishing the standing committees' tasks exist and will be explored.

3. RESOLUTION.

Based on the foregoing findings, the City Council hereby resolves:

- (a) That all standing committees of City are hereby eliminated by rescinding City resolutions numbered 01-50 (Infrastructure Committee; City Organization Committee; Economic Development Committee; Quality of Life Committee; and Legislative Committee); 07-11 (Community Development Committee; City Organization and Services Committee; Parks, Recreation, and Quality of Life Committee; Infrastructure Committee (as amended); and Activate Community Talents and Interventions For Optimal Neighborhoods Task Force; 05-43 (Arts Council); and 99-80.
- (b) That the Mayor, with the advice and consent of the City Council, may request analyses of any City-related issues by creating *ad hoc* committees. The *ad hoc* committees will be recipients of information necessary to analyze and inform City Council; will make recommendations to the City Council based on that information and analysis, and will not direct staff.

APPROVED AND ADOPTED this 4th day of September, 2013, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC, City Clerk

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**City of Ridgecrest, California
MINUTES OF THE REGULAR CITY COUNCIL
SUCCESSOR REDEVELOPMENT AGENCY
FINANCING AUTHORITY AND
HOUSING AUTHORITY MEETING
Of August 7, 2013**

A regular meeting of the City Council / Successor Redevelopment Agency / Financing Authority / Housing Authority of the City of Ridgecrest, California was held on August 7, 2013 at 6:00 p.m. The following named members were present:

Mayor Daniel O. Clark; Mayor Pro-Tem Jason Patin; Vice-Mayor Marshall 'Chip' Holloway; Council Members James Sanders and Lori Acton

1. Discussion And Approval Of Additional Committee Members From Planning Commission Speer

Dennis Speer

- Presented staff report

Jason Patin

- Discussed and suggested members of the public set appointments with staff.
- Not opposed to amending the code.

Dan Clark

- Spoke on the current skeleton staff and discussions during the election of eliminating planning commissioners from committees
- Idea is to prevent staff from having to deal with so much minutia when meeting become platforms for other discussion rather than city business
- Referenced previous opinion that code did not require planning commissioners on the committees
- Feels the planning commissioners do not need to be on the committee as voting members but are welcome to attend
- Recommends re-writing the ordinance and does not support as written.

Chip Holloway

- All committees are established by resolution, have discussed on multiple occasions of eliminating committees
- Staff are at bare bones and committees can take up several staff members time
- Attendance at committees is similar to council attendance.
- Suggested eliminating committees completely
- Persons who attend committees could accomplish same thing by scheduling meetings with staff members.
- In favor of eliminating committees, have not found one other city that has committees.

- Spoke on transparency and feel council meetings satisfy the transparency issue.
- Flexibility of council and suggested ad hoc committees for specific projects as they arise.
- Unfair to fellow council when questioned by public about items that are discussed in committees and not all council sit on every committee
- Eliminating committees will help staff who spend hours preparing agendas, perform research for individuals, and other requirements of supporting a committee.
- Suggested changing code to eliminate committees completely.

Dan Clark

- Recommend not eliminating the ACTION committee because of AB109 and the need to communicate between city, schools and police.

Chip Holloway

- Referenced ad hoc committee purpose and suggested bringing that committee back as an ad hoc

Lori Acton

- Supported the suggestion of eliminating committees and opening discussions to full council.

Jim Sanders

- In favor of either keeping with planning commission or eliminating completely
- Asked Dennis Speer about the staff time
 - Dennis Speer – staff does consume a considerable amount of time preparing for committee meetings.
- Asked about the items coming before council
 - Dan Clark – specific items would be vetted thru a 2 council member and staff ad hoc on an as needed basis.
- Concerned with finding an efficient way of updating council perhaps with monthly reports.

Chip Holloway

- Referenced the monthly report that departments put out a few years ago with brief updates.
- If an item comes to council and cannot get to a reasonable decision at council, then item could be taken to an ad hoc committee to be researched and brought back to council.

Jason Patin

- Agrees with the staff time required to produce committee agendas and packets.
- In favor of eliminating committees.
- Committee attendance is typically 3-5 people and most of the time the information never makes it to the public, by discussing items at council will reach a broader base of public.

Public Comment

Dave Matthews

- Originally thought this item was to appoint planning commission because as standing now then committees are not set the way the ordinance reads.
- Either appoint two more members or change the code
- Staff time can't be too high because not many meetings being held.
- If committees are eliminated then need to bring back the staff reports because information is not being put in the newspaper or website
- There was a time when had both committee meetings and staff reports which is transparency.
- Against changing it.
- Need to change if not putting commissioners on it, need at least 3 people to break the tie.
- Originally objected to a 2 man committee.

Paul Vanderwerf

- Identification of dysfunction of process
- Commented on Mr. Speer best practices for strategic plan, would like a copy.
- Commented on general plan input but not moving forward
- Suggested needing more public involvement rather than less
- Spoke on sportsmanship standard
- Spoke on concussion management and asked quality of life committee to review a year ago but no action has been taken.
- Spoke on measure '1' committee requesting staff time and assistance.
- Volunteered to work on committee's
- Commented on general plan section 7
- Spoke on elimination of parks director position and compared committees and need to evaluate leadership skills
- Leaders don't want to participate with committees because they are not being run effectively
- Advocate more community involvement rather than less

Dave Matthews

- Commented on Chip's statement of public meeting with staff but no minutes are taken at meetings like these and nothing to refer to later.

Public comment ended at 7:34pm

Lori Acton

- Listening to public comments and it is not just staff time.
- Referenced the time and effort staff expends preparing reports that are never heard by the public
- Council meeting is televised and recorded
- Need the regular reports brought to council
- Does not make sense to schedule meetings that the same 4 people show up and the information is reviewed again at council

Jim Sanders

- Requested monthly update at council meetings open for discussion by council members and public

Jason Patin

- Requested concerns of Mayor Clark regarding committees
 - Dan Clark
 - Items being held up by planning commissioners and public
 - Meetings being called when nothing to discuss
 - Amount of staff time required

Motion Made By Council Member Holloway To Direct Staff To Move Forward With Code Revision Eliminating Standing Committees And Providing Flexible Language For Expediting Establishment Of Ad Hoc Committees As Needed. Motion Seconded By Council Member Acton. Motion Carried By Voice Vote Of 5 Ayes; 0 Noes; 0 Abstain; And 0 Absent.

ADJOURNMENT

Mayor Clark adjourned the meeting at 8:40 p.m.

State of California }
County of Kern }
City of Ridgecrest }

As City Clerk and ex-officio Clerk of the City Council of the City of Ridgecrest, California, I hereby certify the foregoing to be a full, true and correct copy of the minute entry on record in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 18th day of July, 2013.

Rachel J. Ford, CMC
Rachel J. Ford, CMC
City Clerk



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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/HOUSING
AUTHORITY/FINANCING AUTHORITY AGENDA ITEM**

SUBJECT:

A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of August

PRESENTED BY:

Rachel J. Ford, City Clerk

SUMMARY:

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various events and observations. The resolution lists proclamations that have been processed and will be presented by mail to the recipients

1. National Public Lands Day – September 28, 2013

FISCAL IMPACT:

No Fiscal Impact

Reviewed by Finance Director

ACTION REQUESTED:

Approve a resolution authorizing the presentation by mail of proclamation recognizing National Public Lands Day – September 28, 2013

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approve as submitted

Submitted by: Rachel J. Ford
(Rev.6/12/09)

Action Date: September 4, 2013

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RESOLUTION NO. 13-xx

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL
ANNOUNCING PROCLAMATIONS PREPARED FOR THE
MONTH OF AUGUST 2013**

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various event and observations. The following proclamations have been processed and will be presented:

Proclamation Titles

National Public Lands Day – September 28, 2013

APPROVED AND ADOPTED THIS 4th day of September 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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**A Proclamation of
The City Of Ridgecrest, California
National Public Lands Day**

WHEREAS, America's system of public lands includes parks, unique landscapes, forests, wildlife refuges, historic trails, natural streams and wetlands, nature centers, gardens and other landmark areas throughout the nation that individually and collectively represent irreplaceable national resources; and

WHEREAS, public lands provide locally accessible natural and cultural resources for environmental learning, wildlife appreciation and recreation; and

WHEREAS, public lands promote civic ideals that include shared stewardship and recognition of public ownership; and

WHEREAS, shared stewardship requires the goodwill, cooperation and active support of citizens, community, city and state officials, business leaders, children and adults; and

WHEREAS, recreation opportunities offered by public lands help families lead a more active lifestyle and reduce the incidence of childhood obesity; and

WHEREAS, land conservation efforts improve access to public lands by urban residents and work to break down the barriers that prevent Americans from actively utilizing their public lands; and

WHEREAS, an alliance between Teaching Kids To Fish, private citizens, land managers and community leaders improves the condition of publicly held lands for the greater enjoyment and enrichment of all Americans; and

WHEREAS, Teaching Kids To Fish as the Coordinating Agency for Ridgecrest CA, National Public Lands Day, co-sponsored by the National Environmental Education Foundation, the Bureau of Land Management, the Bureau of Reclamation, the Department of Defense, the Environmental Protection Agency, the National Park Service, U.S. Army Corps of Engineer, the U.S. Fish and Wildlife Service and the USDA Forest Service, has become an annually anticipated event for local participation on publicly held lands in Ridgecrest.

Now, therefore, be it proclaimed:

The City Council of the City of Ridgecrest does hereby proclaim September 28, 2013 as National Public Lands Day and call upon the citizens of Ridgecrest, California to recognize and participate in this special observance with Teaching Kids to Fish.

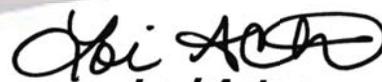
Proclaimed September 18, 2013


Dan O Clark, Mayor


**Jason Patin
Mayor Pro Tem**


**Marshall "Chip" Holloway
Vice Mayor**


**James Sanders
Council Member**


**Lori Acton
Council Member**

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/HOUSING
AUTHORITY/FINANCING AUTHORITY AGENDA ITEM**

SUBJECT:

Minutes of the Regular City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of August 21, 2013

PRESENTED BY:

Rachel J. Ford, City Clerk

SUMMARY:

Draft Minutes of the Regular City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of August 21, 2013

FISCAL IMPACT:

None

Reviewed by Finance Director:

ACTION REQUESTED:

Approve minutes

CITY MANAGER 'S RECOMMENDATION:

Action as requested: Approve Draft Minutes

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MINUTES OF THE REGULAR MEETING OF THE RIDGECREST CITY COUNCIL

City Council Chambers
100 West California Avenue
Ridgecrest, California 93555

August 21, 2013
6:00 pm

This meeting was recorded and will be on file in the Office of the City Clerk for a certain period of time from date of approval by City Council. Meetings are recorded for the purpose of preparation of minutes.

CALL TO ORDER

ROLL CALL

Council Present: Vice Mayor Holloway, Council Members Lori Acton and Jim Sanders

Council Absent: Mayor Clark

Staff Present: City Manager Dennis Speer; City Clerk Rachel J. Ford; City Attorney Keith Lemieux; and other staff

APPROVAL OF AGENDA

Deleted Closed Session Item No. 2

Motion To Approve Agenda As Amended Made By Council Member Acton, Second By Council Member Sanders. Motion Carried By Voice Vote Of 3 Ayes; 0 Noes; 0 Abstain; And 1 Absent

PUBLIC COMMENT – CLOSED SESSION ITEMS

- No member of the public presented comment on closed session items

CLOSED SESSION

- Mayor Clark arrived at 5:39pm and attended closed session.

GC54956.9 Conference with Legal Counsel – Potential Litigation – Public Disclosure of Potential Litigant Would Prejudice the City of Ridgecrest

AGENDA - CITY COUNCIL - REGULAR

August 21, 2013

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- GC54956.8 Redevelopment Successor Agency Real Property Negotiations – APN 419-073-16 – Agency Negotiator Dennis Speer, City Manager
 - Item No. 2 deleted prior to approval of agenda

GC54956.8 Redevelopment Successor Agency Real Property Negotiations – APN 067-050-013 – Agency Negotiator Dennis Speer, City Manager

REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance – boy scout troop 291
- Invocation – moment of silence

CITY ATTORNEY REPORT

- Closed Session
 - Item 1 received report, no action
 - Item 2 pulled
 - Item 3 received report, no action
- Other
 - none

PUBLIC COMMENT – 6:33pm

Renee Westalusk

- asked who to contact for street signs, Norma/Ward stop sign falling off.
 - Dennis – intersection named is Caltrans or street department at (760)499-5080
 - Lori Acton – (760) 499-5062 for executive secretary and please leave message so we can assist.

Speaker

- Relay for life October 19-20, 2013
- Asked council proclaim October as relay for life month and present on October 19 at college
- Would like to do the paint the town purple and asked employees wear purple ribbon.
- Give website address for more information

Jerry Taylor

- Clarified points in last meeting discussion regarding elimination of standing committees.

AGENDA - CITY COUNCIL - REGULAR

August 21, 2013

Page 3 of 22

Dave Matthews

- Asked council to help find the lost highway.
- Highway 178 thru Ridgecrest
- Majority located in Caltrans region 10
- Spoke on section ending at pinnacles and starts again thru death valley
- Assumption the highway continued thru Panamint valley and death valley to state line but is not a true assumption
- Spoke on Caltrans webpage not identifying the highway
- Former sign at intersection stated 'gateway to death valley'
- Repair from flooding will be made by county and would benefit everyone if highway co-exists all the way to state line and could mean additional funding for roads.
- Important for tourism

Nicholas Coy

- Represented veterans advisory committee
- Read letter supporting Ron Carter for council vacancy and identifying his support for the veterans advisory committee
- Reminded public of veterans stand down on September 27
- 40 vendors and services committed to work with veterans at the stand down

Steve Morgan

- Representing Ridgecrest Lions Club
- Reported business volunteering to assist with future fundraising
- Ridgecrest floor covering on west Upjohn offering raffle proceeds to go to fireworks fund. Drawing august 30.

Paul Vanderwerf

- Spoke on daily independent article on concussions
- Largest safety issue for sports
- Referenced Lou Gehrig and Mohammad Ali
- Spoke on article in magazine referring to Ron Luciano suicide
- Referenced previous statements regarding not having a standard for youth in relation to concussion.
- Concerned about lack of council response
- Spoke on current changes in parks and recreation department
- Spoke on college classes attended and diversity of citizenry
- Asked council to look at options for the greatest improvement rather than the easy choice
 - Lori Acton – asked for clarification of request from council
- Asked for specific policy adopted by City that would restrict groups from playing that do not follow the safety policy

AGENDA - CITY COUNCIL - REGULAR

August 21, 2013

Page 4 of 22

Jamey Heaton

- Asked about obstacle's for getting motocross track in Ridgecrest
 - Lori Acton responded

Ron Porter

- Implied collusion in appointment of Jason Patin for interim recreation supervisor.
- Appearance for council is bad and decision needs to be re-thought
- Public thinks the decision was pre-determined
- Does not understand why it occurred
 - Keith Lemieux – issue was brought to attorney and could be 1090 conflict and was made clear with city manager
 - Decision was city managers decision to make, council member did not lobby for the position until after resignation
 - This is interim and normal recruitment process will take place in a few months and public will be invited to apply for the position.
 - This decision was not the council's
- No announcement was made to fill the job and a six month interim is unfair to others.

Chris Nicholson

- Stated addresses and accused crony system and asked for justification of credentials and salary
- Asked why no advertising was done to the community.
- Asked council to drive Sunland Street and whether the city's policies are to not repair roads.
- Commented on gateway street and tax dollars for properties
- Asked what citizens have to do to get roads paved
- Has burned building from 3 years ago behind his house
- Asked where tax dollars are going.
- Spoke on need for weed abatement in alleyways

Al Huey

- Tagged onto two previous comments made
- Provided timeline of events from Ponek departure, to Holloway's comments at last council meeting, to Jason Patin's resignation, to Jason Patin's interim parks and recreation appointment.
- Commented on Mr. Ponek's departure being based on dwindling budget from council cuts.
- Wrong on council member Holloways comments lashing out at the public and accusing the public as being responsible for Mr. Ponek's departure
- Members of public suspected Mr. Patin would be next parks and rec director
- Suspicions confirmed 3 days later
- Appearance of impropriety

AGENDA - CITY COUNCIL - REGULAR

August 21, 2013

Page 5 of 22

Christina Witt

- Commented on Mr. Patin's remarks about serving the city in another way.
- Council has eroded public opinion and this string of events appears that council actions are not above board.

Robert Eierman

- No number was as low in the pool of Jason Patin taking recreation position
- Commented on council member Holloway's comments at the last meeting having dual standards from the public
- Can understand someone feeling that way and expressing it but four other council members did nothing and all council members should apologize to the community for not defending the people who elected them.
- Have not heard anyone asking for an apology with exception of news review printing the comments
- Spoke on Mayor Clark addressing Mr. Holloway but did not admonish him for terrible comments.

Mike Neel

- Spoke on the term geniuses being used in the comments
- Attended Mr. Howard's hearing today for infraction with dog catcher and identified other attendees
- Spoke on costs to Mr. Howard versus costs for city.
- Second infraction for leash law violation after city employee followed him.
- Made accusation of harassment and continued prosecution with no results
- Expressed disappointment in actions of the city
- Spoke on gross misstatements made by witnesses and pleads with city and council to deal with this in a better way and suggested a mediator
- City has made it clear they are going to beat Mr. Howard down rather than lose face and invited staff to speak with him.

Closed public comment at 7:13pm

CONSENT CALENDAR

1. Adopt Resolution Approving The City's Appropriations Limit Of \$19,556,487 For Fiscal Year 2013-14 (GANN Limit) McQuiston
2. Adopt A Resolution Of The Ridgecrest City Council Approving And Amending The City Of Ridgecrest Classification Plan And Adopting The Job Specifications Of Assistant Public Works Director/City Engineer Into The City Of Ridgecrest Classification Plan McQuiston

AGENDA - CITY COUNCIL - REGULAR

August 21, 2013

Page 6 of 22

3. Adopt A Resolution Of The Ridgecrest City Council Approving And Amending The City Of Ridgecrest Classification Plan And Adopting The Job Specifications Of Custodian Into The City Of Ridgecrest Classification Plan
McQuiston
4. Adopt A Resolution Of The Ridgecrest City Council Approving The Application For Funds From The Fy-14/15 Congestion Mitigation Air Quality (CMAQ) Program Under The Moving Ahead For Progress In The 21st Century (Map-21) For The Following Project: China Lake Blvd. Signal Interconnection And Synchronization Project
Speer
5. Adopt A Resolution Of The Ridgecrest City Council Approving The Application For Funds From The Fy-14/15 Congestion Mitigation Air Quality (CMAQ) Program Under The Moving Ahead For Progress In The 21st Century (Map-21) For The Following Project: North Warner Street Paving Project
Speer
6. Adopt A Resolution Of The Ridgecrest City Council Approving The Application For Funds From The Fy-14/15 Congestion Mitigation Air Quality (CMAQ) Program Under The Moving Ahead For Progress In The 21st Century (Map-21) For The Following Project: Graff Ave. Shoulder Paving Project
Speer
7. Adopt A Resolution Of The Ridgecrest City Council Approving The Application For Funds From The Fy-14/15 & Fy-15/16, Regional Surface Transportation Program (RSTP), Under The Moving Ahead For Progress In The 21st Century (Map-21) For The Following Project: China Lake Blvd. Resurfacing And/Or Rehabilitation, Bowman Road To College Hts. Blvd.
Speer
8. Approval Of Draft Minutes Of The Regular Council Meeting Dated August 7, 2013
Ford

Items Pulled From Consent Calendar

- No. 7

Motion To Approve Consent Calendar With Exception Of Item No. 7 Made By Council Member Sanders, Second By Council Member Acton. Motion Carried By Voice Vote Of 4 Ayes; 0 Noes; 0 Absent; And 0 Abstain.

AGENDA - CITY COUNCIL - REGULAR

August 21, 2013

Page 7 of 22

Item 7 discussion

Ron Porter

- Questioned the amount of funds allocated for the road.
- Commented on the cracking condition and related comments from third party regarding the reason that problem occurs
- suggested independent inspector paid by the city rather than the contractor
- spoke on compaction and oil being inspected at time installation
 - Dennis Speer – responded about mixes and batch plants being inspected before the project is completed.
- Spoke on burn test.
 - Dennis Speer – provided credentials and identified that weathering has removed the fines on the road and normal tire wear will tear up the road

Motion To Approve Item Number No. 7 Made By Council Member Acton, Second By Council Member Sanders. Motion Carried By Voice Vote Of 4 Ayes; 0 Noes; 0 Abstain; And 0 Absent

ORDINANCES

9. **Introduction And First Reading, An Ordinance Of The Ridgecrest City Council amending Chapter XX of the Municipal Code, (Zoning) to permit Amateur Ham Radio Antennas and Windmill Towers in excess of 35 feet to be erected subject to a Conditional Use Permit within the Estate Density Zone Districts, (E-1, E-2 and E-3), the Single-Family Residential District, (R-1), the Residential Mobile Home District, (RMH) and the Agricultural (A-5) District. Applicant: City of Ridgecrest Planning Department**
Alexander

Matthew Alexander

- Presented staff report and PowerPoint presentation (*Copy Available In The City Clerk's Office*)
- Reviewed zone options utilized in other cities and planning commission review of request presented.
- Referenced conditional use permits for HAM radio towers and windmills.

Lori Acton

- Asked about height requirements in relation to aircraft

Chip Holloway

- Asked about conditional use permit costs
 - Fees currently set at \$1200 but lower costs could be approved by council on individual request basis

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Chip Holloway *(continued)*

- Commented on needs identified during hurricane Katrina and encouraged reduced fees to allow more radio operators to erect towers

Lori Acton

- Agrees with lowered fees and identified the isolation of Ridgecrest in a disaster situation

Jim Sanders

- Questioned zones identified which does not include multi-family zones.
 - Alexander – typically no open space at apartment complexes
- Suggested including R-2 and R-3 zoning should the issue arise in the future

Chip Holloway

- Supports cleaning the language now rather than return in future

Lori Acton

- Support the idea

Public comment

Steven Rainey

- Appreciates council supporting this ordinance.
- Explained tower expansion capabilities from 22 ft. to 65 ft.
- Referenced the purpose of HAM operation
- Referenced permit fees and feels between \$200-\$300 are a fair fee

Dave Matthews

- Asked if the change mentioned to just “towers” already in effect?
 - Matthew Alexander – first reading can modify the ordinance
- Agree with making the change and commented on TV reception towers which may want to go above trees and location of property does not allow clear reception without a taller tower.
 - Jim Sanders – planning commission discussion highlighted multiple options for future.

Jerry Taylor

- Noticed 300 feet and in the paper
- Asked for fee reduction being noticed by city and ensuring public affected receives proper notice

Joe Malines

- Amateur radio operator and related restrictions put in place by government which was so restrictive you could not put a tower up.

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Joe Malines *(continued)*

- Has worked several earthquakes in California and no other communication was available
- FCC re-examined the restrictions and determined that radio operators could determine the costs of fees in 2000

Clyde Belritt

- Recent resident and HAM radio operator
- Member of relay league that operates at no cost and provides individual backup power and equipment which is open to any emergency service needs at no charge
- Monday night check-ins and have members ready to go in the event of a disaster.
- Concerned about the costs in erecting a tower and is a retiree on limited income.
- Asked council to take these issues into consideration

Jim Sanders

- Inquired about the maximum height permits requirement

Hal Hazel

- Thanked council for positive comments on HAM radio
- Spoke on experiences during hurricane Katrina and the Twin Towers
- HAM Radio provided communications for all emergency response teams
- Referenced years of experience from Navy to present
- Spoke on volunteer positions held with numerous organizations supporting HAM radio
- Spoke on tower height and need to have taller towers to receive longer distance and clearer communications.
- Spoke on frequency bands and correlation with tower height
- Spoke on FCC licensing which prohibits acceptance of compensation
- Spoke on station costs and equipment provided to emergency agencies free of charge
- No problem reimbursing city for costs.
 - Lori Acton – only want to justify cost to process paperwork, council not wanting to charge full amount
- Asked language that states actual costs for city to process permits
 - Jim Sanders – fee schedules will be presented at later date
 - Lori Acton – city is trying to change the ordinance.
- Commented that towers are located in back yards and not as obvious as the PowerPoint shows.
- Towers will be lowered when high winds are present

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Public comment closed at 7:51pm

Jim Sanders

- Pleased to see this ordinance come before council

Mayor Clark

- Asked if the term 'towers' might be opening up areas we do not want to go.
 - Jim Sanders – conditional use permit is required for every tower and will be taken before planning commission

Motion To Waive Reading In Full Of An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter XX Of The Municipal Code, (Zoning) To Permit ~~Amateur Ham Radio Antennas And Windmill~~ Towers In Excess Of 35 Feet To Be Erected Subject To A Conditional Use Permit Within The Estate Density Zone Districts, (E-1, E-2 And E-3, R2, R3, and r4), The Single-Family Residential District, (R-1), The Residential Mobile Home District, (RMH) And The Agricultural (A-5) District. Applicant: City Of Ridgecrest Planning Department Made By Council Member sanders, Second By Council Member Acton. Motion Carried By Voice Vote Of 4 Ayes; 0 Noes; 0 Absent; And 0 Abstain

Requires A Second

Motion To Introduce, By Title Only, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter XX Of The Municipal Code, (Zoning) To Permit ~~Amateur Ham Radio Antennas And Windmill~~ Towers In Excess Of 35 Feet To Be Erected Subject To A Conditional Use Permit Within The Estate Density Zone Districts, (E-1, E-2 And E-3 r-2, r-3, and r-4), The Single-Family Residential District, (R-1), The Residential Mobile Home District, (RMH) And The Agricultural (A-5) District. Applicant: City Of Ridgecrest Planning Department Made By Council Member sanders, Second By Council Member Acton. Motion Carried By Voice Vote Of 4 Ayes; 0 Noes; 0 Absent; And 0 Abstain

Requires A Second

DISCUSSION AND OTHER ACTION ITEMS

10. FY13 Year End Budget Projections Update

McQuiston

Rachelle McQuiston

- Presented staff report
- Report is informational only, not opportunity to decide what to do with funds
- Staff recommendation is to put carryover amount of \$1,535,357.83 into general fund reserve.
- Suggest future agenda item to make decision on carryover amount.

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Mayor Clark

- Item scheduled for future council regular meeting

11. Adopt A Resolution Recognizing The 2014 Petroglyph Festival As A Signature Event For The City Of Ridgecrest And Committing To Allocate Funding From The Fiscal Year 2014-2015 Budget To Support The Event

Clark

Mayor Clark

- Asking for commitment from council
- At this time do not believe funding will be needed
- Asking for council support of the petroglyph festival for November 2014 and committee will market for tourism to Ridgecrest with tours, street festival, and other activities

Lori Acton

- Asked if TOT covered tourism marketing

Jim Sanders

- Asked what type and amount of funding may be needed

Mayor Clark

- Do not anticipate coming to council and requesting funding unless it is for seed money until fundraisers can be held
- More asking for council support of the event as a signature event for the community

Chip Holloway

- Event has been discussed at RACVB
- Requested changing resolution item 2 to read "...consider allocating funding"
- Spoke on fireworks show which is not supported as a signature event and needs to be included.

Mayor Clark

- Reviewed amendment to resolution to consider allocating funding
- Wants revenues for the event to go to the City

Lori Acton

- Agrees with amendment to resolution

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Public comment

Jerry Taylor

- Comments on TOT and funds available to inspire hotels to bring in events of this type
- City staff is understaffed
- Tourism district could have been directly to city but given to hotels instead

Christina Witt

- Agrees but asked if city would also support other city events such as wildflower festival and 1000 flags

Harris Brokke

- Thanked Mayor Clark for wanting city to support this festival
- Believes this event to be an annual success
- Not important that city put actual dollars toward but wants city support for event
- Held in November because of native American heritage month
- Thanked committees who are involved which includes business persons.
- Branding Ridgecrest as the petroglyph capitol of north America
- Rock art, murals, and other related themes are being encouraged in local businesses.
- Kern county is also involved with this and the new park under construction is being considered rename of Petroglyph Park

Motion To Adopt A Resolution as amended Recognizing The 2014 Petroglyph Festival As A Signature Event For The City Of Ridgecrest And Committing To consider Allocating Funding From The Fiscal Year 2014-2015 Budget To Support The Event Made By Council Member Holloway, Second By Council Member Acton . Motion Carried By Voice Vote Of 4 Ayes; 0 Noes; 0 Absent; 0 Abstain.

12. Discussion And Establishment Of Process To Fill Council Vacancy

Clark

Keith Lemieux

- Presented staff report
- Reviewed special district required process which does not apply to general law cities.

Chip Holloway

- Obvious nobody wants to have a special election

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Mayor Clark

- Can select next highest vote getter from last election
- Can make appointment from internally
- Can entertain applications to select from

Keith Lemieux

- Only limitation is must qualify.

Mayor Clark

- Asked council which process they prefer

Lori Acton

- Good with appointment or applications, not comfortable with highest vote getter as it eliminates persons who did not run.
- Feel need to select someone who has served on council or planning commission and knows the process

Jim Sanders

- Clarified special election costs and current budget.
- First preference is open to public for applications because citizens may be willing to help now
- Last option would be third highest vote getter, would prefer to use the election year that Mr. Patin ran in the election

Chip Holloway

- Don't like item which has been pandered around community for past few weeks
- Not excited about opening up the application process because of past experience which appointed Duke Martin
- Stated it is not fair to ask someone who has never been in the arena to give a public performance for us to decide whether they should be on Council.
- Will not consider anyone who has never served as a viable candidate because there is a large learning curve to the job and too many critical items coming up that need to be completed
- Need someone who has a history of being engaged and have stayed engaged.
- Will be very hard to consider someone without experience

Mayor Clark

- Feel strongly we need to honor the ballot box which suggest we appoint the third highest vote getter from last election
- All know how difficult it is to get abreast of the issues and need to respect the vote of the people
- Strongly suggest council consider the people's choice at the ballot box
- People who did not run for office, even if they interview well, will they do a good job for us. Do they have the experience needed for municipal government

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Mayor Clark *(continued)*

- If not going with highest vote getter then comfortable with making an appointment
- Do we know someone in the community who can hit the ground running and understand the requirements of the job

Public comment at 8:35pm

Marla Hail

- Supports Ron Carter who has served and cares about the people of this community.

Christina Witt

- If going with the 2010 election then people voted for Tom Wiknich
- Agree with comments on experience but sometimes need fresh eyes
- Too easy to play favorites with appointment
- Commented on disappointment in lack of applications for Measure 'L'
- Now there is an opportunity for fresh eyes

Arzel Hail

- Feels strongly should be the highest vote getter of the last election
- Worked with Ron Carter for years and found him to be high integrity, fair and honest

Gilbert Nicholson Jr.

- Speaking for 4 people who all take the position of the highest vote getter in the last election
- Spoke on communications during hurricane Katrina
- Asked community to work together
- Resident for 23 years
- Look forward to seeing the best come forward
- Spoke on sequestering and funding needs for roads and other things
- Spoke on electromagnetic forces on the environment
- Reiterated desire for council to take the highest vote getter who is Ron Carter

Tom Wiknich

- Commented on city attorney's analysis on term limits regarding 8 consecutive years
- Spoke on the potential inability to run for council if appointed.

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Dave Matthews

- Second Christina Witt comments because when council member Patin ran there was a difference in election process versus 2012 due to initiatives for separate mayoral election and term limits
- Prefers application process because vote getters can also apply.
- Respects council member Carter and would hate to interrupt his possible enjoyment of retirement.

Patricia Brokke

- Asked for clarification of taking highest vote getter, will council continue down the list if the highest does not want to serve.
 - Mayor Clark – in anticipation of the conversation, contacted Mr. Carter who is in favor of appointment

Speaker

- In favor of third highest vote getter process
- Spoke on experience of application process.

Ronald Porter

- Agrees with Mrs. Witt, if using the highest vote count and use the election cycle when Mr. Patin was elected
- Spoke on experience of corporate knowledge of city
- Spoke on good results of having fresh eyes presenting different ideas
- Only reasonable process in a republic is the application process which may result in new ideas
- If the vote getter is someone you don't like then they would not be selected, appointment or highest vote getter is council picking their own buddy
- Application process is only fair process

Renee Westalusk

- Supports option of third highest vote getter of 2012 election
- Supports Ron Carter as appointee

Al Huey

- Agree with Mayor and council comments of having experienced individual on the council
- Noted that Jerry Taylor received more votes than Ron Carter.
- Asked council to seriously consider Jerry Taylor

Paul Vanderwerf

- Diversity with fresh set of eyes is desirable
- Spoke on challenging engineers with motor skills test
- Spoke on Punn and McReady audit report and going concern
- Spoke on reduction of general fund

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Paul Venderwerf *(continued)*

- Read excerpts from audit report
- Reviewed budget projection handouts from previous item
- Spoke on trends of council which created shortfall in budget
- Suggested putting an accounting person on the council
- Spoke on vote margins from 2012 election
- Suggested application process
- Spoke again on new eyes making a difference
 - Chip Holloway - Spoke on report referenced based on assumption of wastewater loan being due and payable.

Bill Farris

- Referenced two options from city attorney which is to appoint or appoint by way of application
- Important to understand that if going to appoint then must appoint the best person for the position
- Next best vote getter is flawed, public did not elect Mr. Carter
- Entire scope of election changes if any one person is removed from the election
- If Mr. Carter is appointed then should be because he is the best man for the job which is a decision of the council
- Tonight's decision is whether to hold public interview process or not.
- Clarified decision open to council tonight and in the end council must determine who is the best person for the job, which is what public elected council to do.

Speaker

- Backed Mr. Farris's comments about flawed concept
- Context was Jason Patin was elected in 2010 so must look at Mr. Wiknich
- Third highest vote getter of the last election is Mr. Taylor
- Agree with experience needs
- Offered input that right now city has issues with money and suggest reaching outside potential former council members but go with someone who has experience with finances and bring that kind of incite which is needed.
- Urged council to heed Mr. Farris comments and if go that route there are two people who did receive highest vote count other than Carter

Mike Neel

- Election is basic preference of community
- Appointment preceded by application process is closes thing to election
- Occurrences over past couple months has created trust factor or lack of trust with public
- Application process with public interviews may reduce the negative trust.
- Suggested special meeting for interview process

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Mike Neel *(continued)*

- Spoke on highest vote getter from last election and exemplified change of Al Huey suggesting Jerry Taylor when at one time he attempted to have Jerry Taylor recalled.
- Same results may happen in application process

Keith Lemieux

- Suggested nominations at the next meeting
- Real question is whether to accept applications or not
- Need tight time period to receive applications and review before next meeting
- Does not make sense to do interview someone no one is willing to nominate
- Only interview those who will be nominated

Chip Holloway

- Clarified timelines that city is obligated to fulfill which is 60 days. If appointment is not made in that time then automatically goes to special election.

Mayor Clark

- Reviewed 3 options and asked for direction

Lori Acton

- Requested third highest vote getter be thrown out
- Appoint either with or without applications
- Application submitted by 30th.
 - Keith Lemieux – suggested applications be reviewed prior to meeting then make nominations at the next meeting.
- Based on last election, the people elected are fresh eyes so agreeable with application.

Jim Sanders

- Would like the application process and suggest that when going through the application process then can rank experience as part of the ranking
- Not selecting from a small handful of people, may be someone out there that is perfect and has experience elsewhere.
- Logical process since with four council members we each would nominate a different person
- Only interview applications that we would consider for nomination

Chip Holloway

- No problem with application, suggested each person select two applications

General discussion of timelines and publication requirements

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Mayor Clark

- Publish in both papers, put on website
- Suggested applications submitted by the 30th

Lori Acton

- Suggested special council meeting on the 11th

Jim Sanders

- Special meeting on the 11th

Chip Holloway

- No problem with special meeting on the 11th
 - Close application process on the
- Council directed staff to hold an application process to close September 4
- Council scheduled a Special meeting for September 10 at 5:30pm to review nominees and appoint the vacant council seat.

13. Discussion And Appointments Of Council Representative To Outside Boards And Committees **Clark**

Mayor Clark

- Nominated Lori Acton to RACVB and suggested leaving the alternate league of California cities vacant and fill the vacancy after appointment

Jim Sanders

- Seconded the suggestion

COMMITTEE REPORTS

City Organization

Members: Dan Clark, Jim Sanders

Meeting: 3rd Tuesday Of The Month At 5:00 P.M.; Council
Conference Room

Next Meeting: To Be Announced

Jim Sanders – no report

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Community Development Committee

Members: Chip Holloway

Meetings: 1st Thursday Of The Month At 5:00 P.M.; Council
Conference Room

Next Meeting: To Be Announced

Chip Holloway – no report

Infrastructure Committee

Members: Dan Clark, Jim Sanders

Meeting: 2nd Wednesday Of The Month At 5:00 P.M., Council
Conference Room

Next Meeting: To Be Announced

Mayor Clark – announced next meeting September 11

Quality Of Life

Members: Chip Holloway, Lori Acton

Meeting: 2nd Thursday Of The Month At 5:00 P.M.; Kerr-McGee
Center

Next Meeting: To Be Announced (Dark in June, July, December, and
January)

Holloway – no report

**Activate Community Talents And Interventions For Optimal Neighborhoods
Task Force (ACTION)**

Members: Jim Sanders

Meetings: 3rd Tuesday of the Month at 4:00 P.M., Kerr-McGee Center

Next Meeting: To Be Announced

Jim Sanders – announced meeting cancellation

Veterans Advisory Committee

Members: Lori Acton

Meetings: 1st and 3rd Monday of the Month At 6:00 p.m., Council
Conference Room

Next Meeting: To Be Announced

Mayor Clark – spoke on fundraising efforts.

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Ridgecrest Area Convention And Visitors Bureau (RACVB)

Members: Chip Holloway

Meetings: 1st Wednesday Of The Month, 8:00 A.M.

Next Meeting: To Be Announced

Chip Holloway – no report

Lori Acton – RACVB putting together volunteer list and encouraged citizens to participate

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- None

CITY MANAGER REPORT

Dennis Speer

- Strategic planning workshop as two part meeting tentative schedule for September 30 at 5:00pm and conclude at Council meeting of October 2.
 - All agreed

MAYOR AND COUNCIL COMMENTS

Lori Acton

- Spoke on changes to codes and fees structures to make ordinance business friendly
- Looking for ways to make things happen and not letting obstacles get in the way
- Petroglyph festival was Mares Leuck's idea in 2007 and is modeled after a quilt festival in another small city
- Tomorrow ribbon cutting for Panamint trail
- SCE and PGE will be part of veteran's stand-down
- Working with IT personnel for council corner on website, transparency is not lacking but information is so working to get information out to the community.
- Asked for public feedback on website
- Farewell party for the Kauffman's.
- Thanked staff for hard work

Jim Sanders

- Pleased with tonight's council meeting results
- Came out with something pretty good by pooling thoughts
- Congratulations to Mr. Patin for the interim job
- Understand the skepticism but everything is on the level
- Mr. Patin did not meet with Mr. Speer prior to resigning which was a very risky move
- Appreciate Mr. Patin for doing everything the right way

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Jim Sanders *(continued)*

- Action taken tonight on the ordinance, striving to make the code more property owner friendly while at the same time not giving away the farm for the city.
- Cannot be completely lawless but at this time code is too strict and can be modified
- Future agenda item requested – a policy for reviewing permit costs on case by case basis

Chip Holloway

- Scolded for not talking enough but issue is really information issue
- Working with issues that may save funding in future
- Good time to eliminate Mayor Pro-Tem from the municipal code
- Code needs to be fixed. Staff follow the code and then get beat up about it
- USDA is large tool for economic development and working on ideas with them to generate new businesses in Ridgecrest and getting funding.
- Working on program to offer Wi-Fi in community at reasonable rates
- Nancy Cisneros will be retiring from league of California cities so will be tough to replace, working on that committee and CityPAC committee.
- Jason is the best person for the job, to make yourself available with no guarantee was big risk. Have all the tools to be successful as the interim. Will be having a full recruitment for full time position.
- Cannot wait six months to have someone in that position and then another six months for recruitment. That won't work.
- Spoke on needing best person for the job of Council Member; so many things are going on. Open to what Jim Sanders said about someone who may have experience in another city. If you have served on a planning commission or council here or elsewhere, then please submit an application.
- Referencing comments made last meeting, nothing worse than seeing a public official stand up and say a non-sincere apology. What has not been said is the word 'individuals'. These comments were made to specific individuals and not to the entire community.
- Spoke on Mr. Speer and council being attacked on integrity which is more important than words said in the heat of the moment.
- What hurt the most is Mr. Ponek's daughter, who is a senior in high school and wife was a teacher, the move was accelerated because of the embarrassment to the family.
- Most people do not want to be represented in the way this happened.
- Spoke on church attendance and discussion of the Romans. Apologize to the public because the words spoken were not necessary.
- As an individual, am entitled to an opinion but did not express it in the proper way and will try to change in future.
- Department heads did not sign up to the abuse that council did and expect public to hold themselves to the same standards as they project onto council.

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Dan Clark

- Spoke on Monday radio interview about the 50th anniversary celebration
- September 26 will be doing a pancake breakfast for staff from 7-8 a.m. and is fundraiser for a float for the 50th parade and ask for council support
- Congratulated former council member Patin on the new job and concur with comments.
- Community is in turmoil with children and where they will play, to go thru a long interview process would take a couple months we do not have so an interim person like Jason Patin who can work on the problems while we open the interview process. He has been a community servant and resident for many years and has been very involved.
- Invited community for veterans' stand down
- Looking forward to strategic planning workshop
- Thanked council for supporting petroglyph festival and surprised in all the community support
- Well-argued point by Mr. Bill Farris
- Thanked all speakers who shared their thoughts and viewpoints. Sometime difficult to listen to but generally positive.

ADJOURNMENT

Rachel J. Ford, CMC, City Clerk

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

SUBJECT:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST ESTABLISHING AD HOC ADVISORY COMMITTEES

PRESENTED BY:

Daniel O. Clark - Mayor

SUMMARY:

Council standing committees are in the process of reviewing several projects which, with the elimination of the standing committees, will require the establishment of Ad Hoc Advisory Committees to continue the preparatory work prior to bringing these projects before Council.

The attached resolution would establish the following Ad Hoc Advisory Committees

1. City Organization Ad Hoc
 - a. Budget
 - b. Transient Occupancy Tax
 - c. Parks Assessment District
 - d. Abandoned Commercial and Residential Building Ordinance
2. Infrastructure Ad Hoc
 - a. Wal-Mart
 - b. Federal Funding for Drainage
 - c. Kern County Fire Services
 - d. New Wastewater Facility/Tertiary Component/Location

These Ad Hoc Advisory Committees will be responsible for researching each project and formulating a proposal to be brought before council for consideration and will be dissolved when the projects are completed.

This item is brought to Council for discussion and recommended approval of the resolution establishing the two Ad Hoc Advisory Committees as outlined.

FISCAL IMPACT:

No Fiscal Impact

Reviewed by Finance Director

ACTION REQUESTED:

Approve a resolution establishing two Ad Hoc Advisory Committees identified in the resolution.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approve as submitted

Submitted by: Rachel Ford
(Rev. 02/13/12)

Action Date: September 4, 2013

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RESOLUTION NO. 13-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST ESTABLISHING AD HOC ADVISORY COMMITTEES

WHEREAS, the City Council has adopted a resolution dissolving standing Council Committees and authorizing Ad Hoc Advisory Committees on a project basis; and

WHEREAS, specific projects were under review by the former council committees, and;

WHEREAS, these projects require continued research and revision prior to presenting to Council for consideration.

NOW, THEREFORE, BE IT RESOLVED that: the City Council of the City of Ridgecrest:

1. Hereby forms two member Council Ad Hoc Committees for:
 - a. City Organization Ad Hoc
 - i. Budget
 - ii. Transient Occupancy Tax update
 - iii. Parks Assessment District
 - iv. Abandoned Commercial and Residential Building Ordinance
 - b. Infrastructure Ad Hoc
 - i. Wal-Mart
 - ii. Federal Funding for Drainage
 - iii. Kern County Fire Services
 - iv. New Wastewater Facility/Tertiary Component/Location
2. Declares that the committee's duties shall be generally to formulate, review, and identify alternatives for the identified projects and prepare recommendations for the City Council and Planning Commission; and
3. Defines the Committees to consist of 2 members with each City Council member to present a nominee for appointment by the Council as a whole; and
4. The Committees shall convene at an early opportunity and commence the work required by the City Council; and
5. The Council Ad Hoc Committees shall receive no compensation but shall receive reimbursement for expenses incurred while on City business, provided, such expenses are authorized by the Council and Budgeted; and
6. The City Departments, under direction of the City Manager, will assist the Committee in performance of its duties.

APPROVED AND ADOPTED this 4th day of September, 2013 by the following vote

AYES:

NOES:

ABSTAIN:

ABSENT:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk