AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF
THE CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY
BOARD OF LIBRARY TRUSTEES

August 4, 2016

SPECIAL MEETING – 6:00 PM

City Council Study Sessions
Second Tuesday of each month – 6:00 p.m.
City Council Meetings
Special Presentations – 5:30 P.M.
First & Third Tuesday of each month – 6:00 p.m.
City Council Closed Session
Will be scheduled as needed at 4:30 p.m.

City Hall Council Chamber – 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Guy Pegan, ADA Coordinator, at 951.413.3120 at least 72 hours before the meeting. The 72-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Dr. Yxstian A. Gutierrez, Mayor

Jeffrey J. Giba, Mayor Pro Tem   George E. Price, Council Member
Jesse L. Molina, Council Member   D. LaDonna Jempson, Council Member

-1-

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF THE
CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY
AND THE BOARD OF LIBRARY TRUSTEES

***THE CITY COUNCIL RECEIVES A SEPARATE STIPEND FOR CSD
MEETINGS***

SPECIAL MEETING – 6:00 PM
AUGUST 4, 2016

CALL TO ORDER
Joint Meeting of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency, Housing Authority and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item.

PLEDGE OF ALLEGIANCE

INVOCATION
Pastor Felix Bobo, Champion Culture Church

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS UNDER THE SPECIAL MEETING AGENDA
There is a three-minute time limit per person. Please complete and submit a LAVENDER speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council.

A. REPORTS

A.1. A RESOLUTION AMENDING RESOLUTION NO. 2016-44 TO RESTATE AND REPLACE THE TRANSIENT OCCUPANCY TAX BALLOT QUESTION AS SET FORTH IN SECTION 2 OF RESOLUTION NO. 2016-44 (Report of: Financial & Management Services)

Recommendation: That the City Council:

1.   Adopt Resolution No. 2016-59, A Resolution of the City Council of the City of Moreno Valley, California, Amending Resolution No. 2016-44 to Restate and Replace the Transient Occupancy Tax Ballot Question

as set forth in Section 2 of Resolution No. 2016-44, which was previously submitted to the County of Riverside Registrar of Voters prior to July 1, 2016.

A.2.   GENERAL MUNICIPAL ELECTION – NOVEMBER 8, 2016 RESOLUTION CALLING AND GIVING NOTICE AND REQUESTING CONSOLIDATION WITH STATEWIDE GENERAL ELECTION (Report of: City Clerk)

Recommendations: That the City Council:

1.   Adopt Resolution No. 2016-60, a Resolution of the City Council of the City of Moreno Valley, California, calling and giving notice of the General Municipal Election and requesting the Board of Supervisors of the County of Riverside to consolidate the General Municipal Election to be held on Tuesday, November 8, 2016, with the statewide general election to be held on that date pursuant to §10403 of the California Elections Code.

A.3.   REVISED RESOLUTION REGARDING CITY ATTORNEY IMPARTIAL ANALYSIS AND BALLOT ARGUMENTS PERTAINING TO THE TRANSIENT OCCUPANCY TAX ("HOTEL TAX") BALLOT MEASURE FOR NOVEMBER 8, 2016 GENERAL MUNICIPAL ELECTION BALLOT (Report of: City Clerk)

Recommendations: That the City Council:

1.   Adopt Resolution No. 2016-61, a Resolution of the City Council of the City of Moreno Valley, California, directing the City Attorney to prepare an Impartial Analysis, setting priorities for filing written arguments and providing for rebuttal arguments regarding the Moreno Valley Transient Occupancy Tax measure.

B. LEGISLATIVE ACTIONS

B.1.   PA11-0007 (PM 35879) – MARCH BUSINESS CENTER – APPEAL OF MUNICIPAL CODE CHAPTER 8.12 REQUIREMENT FOR FEMA APPROVAL PRIOR TO BUILDING PERMIT COMPLETION (Report of: Public Works)

Recommendation:

1.   Approve Developer's appeal of Municipal Code Chapter 8.12 requirement for FEMA approval prior to completion of building permit activities and grant extension until prior to certificate of occupancy.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, CITY AS SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OR HOUSING AUTHORITY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/City as Successor Agency for the Community Redevelopment Agency/Housing Authority or Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

ADJOURNMENT

NOTICE IS HEREBY GIVEN that pursuant to CA Government Code §54956(a), the Mayor has called a Special Meeting of the Moreno Valley City Council, Moreno Valley Community Services District, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, Moreno Valley Housing Authority and the Board of Library Trustees to be held at 6:00 p.m. on Thursday, August 4, 2016 at the Moreno Valley City Hall, 14177 Frederick Street, Moreno Valley, California. The purpose of the meeting is to discuss and consider action on the following item(s):

A.1.   A RESOLUTION AMENDING RESOLUTION NO. 2016-44 TO RESTATE AND REPLACE THE TRANSIENT OCCUPANCY TAX BALLOT QUESTION AS SET FORTH IN SECTION 2 OF RESOLUTION NO. 2016-44 (Report of: Financial & Management Services)

A.2.   GENERAL MUNICIPAL ELECTION – NOVEMBER 8, 2016 RESOLUTION CALLING AND GIVING NOTICE AND REQUESTING CONSOLIDATION WITH STATEWIDE GENERAL ELECTION (Report of: City Clerk)

A.3.   REVISED RESOLUTION REGARDING CITY ATTORNEY IMPARTIAL ANALYSIS AND BALLOT ARGUMENTS PERTAINING TO THE TRANSIENT OCCUPANCY TAX ("HOTEL TAX") BALLOT MEASURE FOR NOVEMBER 8, 2016 GENERAL MUNICIPAL ELECTION BALLOT (Report of: City Clerk)

B.1.   PA11-0007 (PM 35879) – MARCH BUSINESS CENTER – APPEAL OF MUNICIPAL CODE CHAPTER 8.12 REQUIREMENT FOR FEMA APPROVAL PRIOR TO BUILDING PERMIT COMPLETION (Report of: Public Works)

_____
                Mayor

                                        <u>July 29, 2016</u>
                                              Date

ATTEST:

_____
        Interim City Clerk

I CERTIFY THAT A COPY OF THE SPECIAL MEETING NOTICE FOR THE MEETING OF AUGUST 4, 2016 WAS DELIVERED TO THE MAYOR AND CITY COUNCIL, VIA EMAIL AND HARD COPY ON JULY 29, 2016

_____
        Interim City Clerk

CERTIFICATION

I, Marie Macias, Interim City Clerk of the City of Moreno Valley, California, certify that the City Council Agenda was posted in the following places pursuant to City of Moreno Valley Resolution No. 2007-40:

City Hall, City of Moreno Valley
14177 Frederick Street

Moreno Valley Library
25480 Alessandro Boulevard

Moreno Valley Senior/Community Center
25075 Fir Avenue

Marie Macias, MMC
Interim City Clerk

Date Posted: July 29, 2016

Report to City Council

TO:	Mayor and City Council
FROM:	Marshall Eyerman, Chief Financial Officer
AGENDA DATE:	August 4, 2016
TITLE:	A RESOLUTION AMENDING RESOLUTION NO. 2016-44 TO RESTATE AND REPLACE THE TRANSIENT OCCUPANCY TAX BALLOT QUESTION AS SET FORTH IN SECTION 2 OF RESOLUTION NO. 2016-44

RECOMMENDED ACTION

Recommendation: That the City Council:

1.   Adopt Resolution No. 2016-59, A Resolution of the City Council of the City of Moreno Valley, California, Amending Resolution No. 2016-44 to Restate and Replace the Transient Occupancy Tax Ballot Question as set forth in Section 2 of Resolution No. 2016-44, which was previously submitted to the County of Riverside Registrar of Voters prior to July 1, 2016.

SUMMARY

On June 7, 2016, the City Council adopted Resolution No. 2016-44 (which is attached to the Resolution as Exhibit A) to place a measure on the November 8, 2016 ballot that asks the voters whether the City's Transient Occupancy Tax ("TOT"), also commonly known as the "Hotel Tax," should be increased from 8% to 13%. At that time, the City Council also approved a contract to utilize the resources of The Lew Edwards Group to assist the City through the election process to assure that residents are provided information as they make an informed decision on the ballot.

To satisfy recent state legislation and provide for additional transparency and accountability through the ballot process, it is being recommended that the ballot measure language as set forth in Resolution No. 2016-44 be revised to reflect the following:

- How much additional revenue may be produced on an annual basis;

- That the additional revenue will be subject to audits conducted by independent auditors;
- That the additional revenue will be subject to review and evaluation by a financial oversight committee; and
- That the revenue produced by the tax will only be used for local general municipal services and programs.

In addition, it is being recommended that the ballot measure language reference that if adopted, the measure will result in the adoption of an ordinance (by the people). The proposed ordinance which is attached to the Resolution as Exhibit B will be included in the voters' pamphlet to be prepared by the Registrar of Voters for the November 8, 2016 election.

DISCUSSION

California Revenue and Taxation Code authorizes a city council to levy a tax on the privilege of occupying a hotel room or other lodging establishment for a period of 30 days or less. This tax is commonly referred to as a "Transient Occupancy Tax" ("TOT") or "Hotel Tax" and it is collected to fund general municipal programs and services such as, but not limited to, retaining additional police officers and firefighters, providing youth and senior services, implementing drug and gang prevention programs, expanding library services, and maintaining and improving the City's streets, sidewalks and parks

In addition to providing additional funding for general municipal programs and services for the City's residents, an increase in the City's TOT rate will produce the benefit of helping to recoup costs associated with the impacts travelers and visitors have on the City's many amenities, such as but not limited to, police services, waste collection, parks and recreation, public roads, dog park and equestrian center. This also reduces the per capita cost of general municipal programs and services paid by local residents and businesses.

It is very important to note that TOT is not levied against the City's residents or property owners; rather, it is levied on guests who occupy a "hotel" in the City of Moreno Valley for thirty calendar days or less. A "Hotel" is broadly defined in the Moreno Valley Municipal Code to include a hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home, house trailer, duplex, triplex, single-family dwelling, etc. that are rented out and occupied for 30 days or less.

The City adopted a TOT ordinance 32 years ago in 1984 (upon incorporation) that set the City's TOT rate at 8%. The proposed TOT increase from 8% to 13% is expected to enhance General Fund revenues by $650,000 based on the number of "hotel" rooms in the City and the current state of the economy. The City currently has 11 hotels/motels with a total of 931 rooms. (Note that this does not include any other establishments that may fall under the definition of "hotel.")

The City's 8% TOT rate ranks the lowest (with two other cities) amongst the 26 cities in Riverside County that have adopted TOT ordinances.

City	TOT Rate
Palm Springs	13.5%
Blythe	13.0%
Indio	13.0%
Riverside	13.0%
Banning	12.0%
Desert Hot Springs	12.0%
Indian Wells	11.25%
Cathedral City	11.0%
La Quinta	11.0%
Norco	11.0%
Beaumont	10.0%
Calimesa	10.0%
Canyon Lake	10.0%
Corona	10.0%
Hemet	10.0%
Lake Elsinore	10.0%
Menifee	10.0%
Murrieta	10.0%
Perris	10.0%
Rancho Mirage	10.0%
Wildomar	10.0%
Coachella	9.0%
Palm Desert	9.0%
San Jacinto	8.0%
Temecula	8.0%
Moreno Valley	8.0%

In light of the foregoing, it is recommended that the prior ballot measure language be replaced with the following:

> **"Moreno Valley Safety/Vital Services/Fiscal Stability Measure: To maintain community safety/quality neighborhoods by retaining police, firefighters, youth/senior services, drug/gang prevention, library, parks, street maintenance/other city services; shall an ordinance be adopted updating Moreno Valley's existing transient occupancy tax (hotel tax) from 8% to 13%, paid only by overnight hotel/lodging guests, providing $650,000 annually, that can only be ended by voters; requiring independent audits, financial oversight committee and all funds used locally?"**

Since the City's TOT is considered a "general tax," this measure will require approval by a simple majority of those voting at the November 8, 2016 election.

This Measure, if approved by a simple majority of the voters, would increase the rate of the City's TOT/Hotel Tax from eight percent (8%) to thirteen percent (13%) commencing ten (10) days after the results of the election are certified by the City Council. The increase is expected to produce an additional $650,000 annually in General Fund revenue for the City which may only be used locally. This additional revenue will also be subject to audits conducted by independent auditors and review and evaluation by a financial oversight committee. The five percent (5%) increase in the Hotel Tax will remain in place unless subsequently repealed by the voters.

Adoption of the attached resolution will amend Section 2 of Resolution No. 2016-44 to restate and replace the ballot measure language set forth in Section 2 of Resolution No. 2016-44, with all other provisions of said Resolution No. 2016-44 remaining the same.

ALTERNATIVES

1. Adopt the attached Resolution that will restate and replace the ballot measure language set forth in Resolution No. 2016-44 for transparency and accountability purposes with respect to the proposal to increase the City's Transient Occupancy Tax from 8% to 13%.

    Staff recommends this alternative to satisfy recent state legislation and provide for additional transparency and accountability purposes since the proposed new language discloses how much additional income may be produced and requires that the City's TOT be reviewed by a financial oversight committee and that all funds be used locally.

2. Do not adopt the attached Resolution.

    Staff does not recommend this alternative since the current ballot measure language that has been submitted to the Registrar of Voters does not disclose how much additional income might be produced and does not require that the City's TOT be reviewed by a financial oversight committee nor that all funds be used locally.

FISCAL IMPACT

Increasing the TOT from its 1984 level (8%) to 13% is expected to increase General Fund revenues by approximately $650,000 per fiscal year - based upon current economic conditions and the number of hotel rooms in the City. The estimated cost to place a measure on the ballot is $50,000 which will be funded by the City Clerk's election budget.

PREPARATION OF STAFF REPORT

Prepared By:
Marshall Eyerman
Chief Financial Officer/City Treasurer

Concurred By: Concurred By:
Steve Quintanilla   Marie Macias
Interim City Attorney   Interim City Clerk

CITY COUNCIL GOALS

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

ATTACHMENTS

1. Resolution Amending Resolution 2016-44 to Restate and Replace Transient Occupancy Tax Ballot Question
2. Exhibit A - Resolution 2016-44 Calling Election
3. Exhibit B - Ballot Measure Ordinance Increasing TOT

APPROVALS

Budget Officer Approval	✓ Approved	7/29/16 3:31 PM
City Attorney Approval	✓ Approved	7/29/16 2:14 PM
City Manager Approval	✓ Approved	7/29/16 3:36 PM

RESOLUTION NO. 2016-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING RESOLUTION NO. 2016-44 TO RESTATE AND REPLACE THE TRANSIENT OCCUPANCY TAX BALLOT QUESTION AS SET FORTH IN SECTION 2 OF RESOLUTION NO. 2016-44 WHICH WAS PREVIOUSLY SUBMITTED TO THE RIVERSIDE COUNTY REGISTRAR OF VOTERS PRIOR TO JULY 1, 2016

WHEREAS, violent crime is on the rise in Moreno Valley and more and more gang members are coming into Moreno Valley from other Southern California communities to commit crimes, and, if approved, this measure will provide funding to help maintain gang and drug prevention programs, increase the number of police officers on our streets and make Moreno Valley safer; and

WHEREAS, fast response times to 9-1-1 calls are critical for saving lives and, if approved, this measure will help maintain rapid response times of our City's paramedics, firefighters, and emergency medical workers who are the first to respond and save lives; and

WHEREAS, Sacramento has taken millions of dollars from Moreno Valley over the last five years, impacting the City's ability to provide services and programs at the levels local residents want, and, if approved, this measure will create a locally-controlled source of funding, that cannot be taken by the State, for vital city services such as police, fire, 9-1-1 emergency response, libraries and street repair; and

WHEREAS, this measure includes strict accountability provisions and fiscal safeguards such as a financial oversight committee and annual independent financial audits to ensure that funds are spent properly and used locally for Moreno Valley's benefit only; and

WHEREAS, safe neighborhoods and parks, well-serviced libraries, programs for children, youth and seniors, and well-maintained roads all contribute to Moreno Valley's quality of life; and

WHEREAS, it is generally understood that between 3 and 6 PM – the hours after school ends and before parents typically return home from work – children without an after school activity are 3 times more likely to use drugs, drink, smoke, and engage in sexual activity, and, if approved, this measure will help maintain city youth safety and after-school recreation programs that are important to keeping keep kids safe and out of trouble; and

WHEREAS, if approved, this measure will be paid for by out-of-town visitors and tourists when they stay at a hotel or motel in Moreno Valley and will not increase taxes for local Moreno Valley residents and businesses; and

WHEREAS, the City Council of the City of Moreno Valley adopted Resolution No. 2016-44 (attached hereto as Exhibit A) on June 7, 2016, calling and giving notice of a general municipal election on Tuesday, November 8, 2016, for certain officers as required by the provisions of the laws of the State of California relating to general law cities and for the submission to the voters of a ballot measure question regarding amending the City's transient occupancy tax; and

WHEREAS, Resolution No. 2016-44 was submitted to the Registrar of Voters on June 27, 2016, prior to the July 1, 2016, submission date set forth in the calendar for the General Municipal Election, November 8, 2016, prepared by the Registrar of Voters; and

WHEREAS, the City Council desires to restate and replace the ballot measure question set forth in Section 2 of Resolution No. 2016-44, with all remaining provisions of Resolution No. 2016-44 remaining the same, to indicate how much additional revenue may be produced on an annual basis; that the additional revenue will be subject to review and evaluation by a financial oversight committee; that the revenue produced by the tax will only be used locally.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That Section 2 of Resolution No. 2016-44 is hereby amended to restate and amend the ballot measure language set forth in Section 2 of Resolution No. 2016-44 as follows:

Pursuant to its right and authority, the City Council of the City of Moreno Valley, California does also order submitted to the voters at the General Municipal Election, the following question:

Attachment: Resolution Amending Resolution 2016-44 to Restate and Replace Transient Occupancy Tax Ballot Question [Revision 6] (2191 : A

| Moreno Valley Safety/Vital Services/Fiscal Stability Measure: To maintain community safety/quality neighborhoods by retaining police, firefighters, youth/senior services, drug/gang prevention, library, parks, street maintenance/other city services; shall an ordinance be adopted updating Moreno Valley's existing transient occupancy tax (hotel tax) from 8% to 13%, paid only by overnight hotel/lodging guests, providing $650,000 annually, that can only be ended by voters; requiring independent audits, financial oversight committee and all funds used locally? | YES |
| | NO |

SECTION 2. That the ordinance (attached hereto as Exhibit B) shall accompany the above measure and be included in the official voters' pamphlet prepared for the November 8, 2016 election by the Registrar of Voters.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 4. That other than Section 2 of Resolution No. 2016-44, all other provisions of said Resolution shall remain the same.

APPROVED and ADOPTED this 4th day of August, 2016.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
Interim City Clerk

APPROVED AS TO FORM:

_____
Interim City Attorney

3
Resolution No. 2016-59
Date Adopted: August 4, 2016

RESOLUTION JURAT

STATE OF CALIFORNIA   )
COUNTY OF RIVERSIDE   ) ss.
CITY OF MORENO VALLEY   )

     I, Marie Macias, Interim City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2016-59 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 4th day of August, 2016 by the following vote:

     AYES:

     NOES:

     ABSENT:

     ABSTAIN:

     (Council Members, Mayor Pro Tem, Mayor)

_____
     CITY CLERK

     (SEAL)

RESOLUTION NO. 2016-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MORENO VALLEY, CALIFORNIA, CALLING AND GIVING
NOTICE OF A GENERAL MUNICIPAL ELECTION ON
TUESDAY, NOVEMBER 8, 2016, FOR CERTAIN OFFICERS
AS REQUIRED BY THE PROVISIONS OF THE LAWS OF
THE STATE OF CALIFORNIA RELATING TO GENERAL
LAW CITIES AND FOR THE SUBMISSION TO THE
VOTERS OF A QUESTION REGARDING AMENDING THE
CITY'S TRANSIENT OCCUPANCY TAX

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on Tuesday, November 8, 2016 for the election of Municipal Officers; and

Whereas, the City Council of the City of Moreno Valley also desires to submit to the voters of the City at the General Municipal Election a proposal to amend the City's Transient Occupancy Tax provisions of the Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Moreno Valley, California, on Tuesday, November 8, 2016, a General Municipal Election for the purpose of electing a Mayor for the full term of two years, and a City Councilmember from Council District One (1) and a Councilmember from Council District Three (3), as such districts have heretofore been established, for the full term of four years.

SECTION 2. Pursuant to its right and authority, the City Council of the City of Moreno Valley, California does also order submitted to the voters at the General Municipal Election, the following question:

| To maintain community safety / quality neighborhoods by retaining police, firefighters, youth / senior services, library, parks and other general city services, shall Moreno Valley's existing transient occupancy tax (hotel tax), paid only by overnight hotel / lodging guests, be set at a uniform thirteen percent for all hotels (including campgrounds/vehicle parks), with annual independent audits? | YES |
| | NO |

SECTION 3. The election will be held and conducted in accordance with the provisions of law regulating statewide elections, including without limitation, Election Code 10418.

SECTION 4. The ballots to be used at the election shall be in form and content as required by law.

SECTION 5. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies and equipment that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. The polls for the election shall be open at seven o'clock (7:00) a.m. of the day of the election and shall remain open continuously from that time until eight o'clock (8:00) p.m. of the same day when the polls shall be closed, pursuant to Elections Code §10242, except as provided in §14401 of the Elections Code of the State of California.

SECTION 7. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 9. In the event of a tie vote (if any two or more persons receive an equal and the highest number of votes for an office) when certified by the County of Riverside Registrar of Voters, the City Council in accordance with Elections Code §15651 (a) shall set a date, time and place and summon the candidates who have received the tie votes to appear and will determine the tie by lot.

SECTION 10. That the City Clerk is authorized to administer said election and all reasonable and actual expenses shall be paid by the City upon presentation of a properly submitted bill by the County of Riverside.

SECTION 11. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.
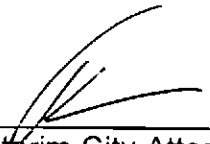
2
Resolution No. 2016-44
Date Adopted: June 7, 2016

APPROVED and ADOPTED this 7th day of June, 2016.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
Interim City Clerk

APPROVED AS TO FORM:

_____
Interim City Attorney

3
Resolution No. 2016-44
Date Adopted: June 7, 2016

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

     I, Leslie Keane, Interim City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2016-44 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 7th day of June, 2016 by the following vote:

AYES: Council Members Jempson, Molina, Price, Mayor Pro Tem Giba and Mayor Dr. Gutierrez

NOES: None

ABSENT: None

ABSTAIN: None

(Council Members, Mayor Pro Tem, Mayor)

_____

CITY CLERK

(SEAL)

4
Resolution No. 2016-44
Date Adopted: June 7, 2016

Exhibit B

ORDINANCE NO. _____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 3.24.030 "TAX IMPOSED" OF CHAPTER 3.24 "TRANSIENT OCCUPANCY TAX" OF THE MORENO VALLEY MUNICIPAL CODE INCREASING THE AMOUNT OF TRANSIENT OCCUPANCY TAX RATE FROM EIGHT PERCENT (8%) TO THIRTEEN PERCENT (13%) FOR THE PURPOSE OF FUNDING LOCAL GENERAL MUNICIPAL SERVICES

THE PEOPLE OF THE CITY OF MORENO VALLEY ORDAIN AS FOLLOWS:

<u>Section 1</u>.   **ELECTIONS CODE SECTION 13119 STATEMENT**

That the increase in the Transient Occupancy Tax rate from 8% to 13% is expected to produce an additional $650,000 annually in General Fund revenue and the five percent (5%) increase in the Transient Occupancy Tax rate will remain in place unless subsequently repealed by the voters.

<u>Section 2</u>.   **METHOD OF COLLECTION**

That the method of collection of Transient Occupancy Taxes shall be the same as set forth in Moreno Valley Municipal Code, Chapter 3.24 Transient Occupancy Tax, Sections 3.24.070 Returns and Remittances; and 3.24.080 Reporting and Remitting.

<u>Section 3</u>.   **LOCAL USE OF PROCEEDS**

That the additional revenue produced by the increase in the Transient Occupancy Tax rate from 8% to 13% may be used for any local general municipal purpose including, but not limited to, retaining police, firefighters, providing youth/senior services, implementing drug/gang prevention programs, expanding library services, and maintaining and improving any of the streets and parks within the City of Moreno Valley.

<u>Section 4</u>.   **ANNUAL INDEPENDENT AUDITS**

That the financial records, accounting practices and internal controls related to the collection, deposit and expenditure Transient Occupancy Tax revenue shall be examined by means of an annual audit conducted by an independent auditor whose services shall be retained by the City through a contract for services as an independent contractor.

Section 5.   FINANCIAL OVERSIGHT COMMITTEE

That Transient Occupancy Tax collections and expenditures shall be subject to the periodic review and evaluation of a Financial Oversight Committee that shall be established by the City Council with the members being appointed by the City pursuant to the City's appointment procedures related to the appointment of members of boards, commissions, and committees of the City of Moreno Valley.

Section 6.   INCREASE IN TRANSIENT OCCUPANCY TAX

That Section 3.24.030 "Tax Imposed" of Chapter 3.24 "Transient Occupancy Tax" of the Moreno Valley Municipal Code is hereby amended as follows:

3.24.030 Tax imposed.

For the privilege of occupancy in any hotel, each transient is subject to, and shall pay a tax in the amount of ~~eight~~ *thirteen* percent *(13%)* of the rent charged by the operator or otherwise payable by the transient. Insofar as the transient is concerned, the tax constitutes a debt owed by the transient to the operator or to the city. For the purposes of this section, the rent deemed payable on account of time-share occupancy by a transient shall be the rental value of the unit or room(s) which accommodated such occupancy, which rental value shall be computed by determining the pro rata share of the total purchase price of the time-share right or entitlement (whether or not involving an estate or any ownership in real property), which share is allocable to the period of transient occupancy currently involved, and adding thereto the total applicable operating costs including, but not limited to, the applicable real and personal property taxes, plus the total amount of any and all fees, assessments, charges and expenses (not including the previously referred to taxes) charged by the operator as attributable to the timeshare occupancy of the transient by whatever name such fees, assessments, charges or expenses may be denominated, whether "occupying fee," "maintenance or operations charge," "per diem fee," "management fee" or like name or otherwise. In making the computation referred to above of the pro rata share of the total purchase price, in any case wherein the time-share right or entitlement is in perpetuity or for life or otherwise not for a definite or ascertainable term, such pro ration shall be made upon an assumed term of forty (40) years.

Section 7.   SEVERABILITY

That should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 8.   REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Municipal Code as heretofore adopted by the City of Moreno Valley that are in conflict with the provisions of this ordinance are hereby repealed.

Section 9.   CERTIFICATION

That the City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

Section 10.   EFFECTIVE DATE

That this ordinance shall take effect ten (10) days following the City Council's certification of the results of the November 8, 2016 election.

PASSED AND ADOPTED by the People of the City of Moreno Valley at a general municipal election held on November 8, 2016.

_____
Mayor

ATTESTED BY:

_____
City Clerk

Report to City Council

TO:	Mayor and City Council
FROM:	Marie Macias, Interim City Clerk
AGENDA DATE:	August 4, 2016
TITLE:	GENERAL MUNICIPAL ELECTION – NOVEMBER 8, 2016 RESOLUTION CALLING AND GIVING NOTICE AND REQUESTING CONSOLIDATION WITH STATEWIDE GENERAL ELECTION

RECOMMENDED ACTION

Recommendations: That the City Council:

1.   Adopt Resolution No. 2016-60, a Resolution of the City Council of the City of Moreno Valley, California, calling and giving notice of the General Municipal Election and requesting the Board of Supervisors of the County of Riverside to consolidate the General Municipal Election to be held on Tuesday, November 8, 2016, with the statewide general election to be held on that date pursuant to §10403 of the California Elections Code.

SUMMARY

At a prior City Council meeting, the City Council approved Resolution No. 2016-45 requesting that the Board of Supervisors of the County of Riverside consolidate a general municipal election to be held on Tuesday, November 8, 2016, with the statewide general election. Resolution No. 2016-45 indicated that the purpose of the City's general municipal election is to elect the City's Mayor and two (2) City Council members. In addition, Resolution No. 2016-45 referenced the specific language of the Transient Occupancy Tax ballot measure that was approved by the City Council.

In light of the proposed change in the ballot measure language, the City Council must adopt a new replacement resolution that will repeal and supersede any existing resolutions that are in conflict with the provisions of this new replacement resolution, including without limitation Resolution No. 2016-45.

The attached resolution requests and authorizes the Riverside County Registrar of

Voters Office to canvass the returns of the City's General Municipal Election, which will be consolidated with the statewide general election, and will be held on the same day. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

Since there will be additional costs incurred by the County due to the consolidation, the City will reimburse the County for any such costs upon presentation of a properly submitted invoice.

ALTERNATIVES

1.   Adopt this attached resolution that will replace the prior Resolution 2016-45 with the modified ballot measure language. Staff recommends this alternative to ensure consistency with the updated Resolution amending TOT ballot measure language.

2.   Do not adopt the attached resolution and do not modify the proposed ballot measure language. Staff does not recommend this alternative.

FISCAL IMPACT

The FY 2016/17 City Clerk budget (1010-12-05-12010-620120) includes $177,000 for the Municipal Election. This amount is based on the actual cost of the November 4, 2014 election. The County of Riverside is expected to provide more current cost estimates during the next few weeks.

NOTIFICATION

Publication of the agenda

PREPARATION OF STAFF REPORT

Prepared By: Department Head Approval:
Ewa Lopez   Marie Macias
Deputy City Clerk   Interim City Clerk

Concurred By:
Steve Quintanilla
Interim City Attorney

CITY COUNCIL GOALS

None

ATTACHMENTS

1. Resolution to Consolidate the Municipal Election

APPROVALS

Page 2

Budget Officer Approval   ✓ Approved   7/28/16 4:34 PM
City Attorney Approval   ✓ Approved   7/29/16 1:39 PM
City Manager Approval   ✓ Approved   7/29/16 1:42 PM

RESOLUTION NO. 2016-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CALLING AND GIVING NOTICE OF THE GENERAL MUNICIPAL ELECTION REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE TO CONSOLIDATE THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO §10403 OF THE CALIFORNIA ELECTIONS CODE

WHEREAS, the City Council of the City of Moreno Valley, California, has called a General Municipal Election to be held on Tuesday, November 8, 2016, for the purpose of the election of a Mayor and two (2) members of the City Council and consideration of a proposal to increase the transient occupancy tax rate; and

WHEREAS, it is desirable that such General Municipal Election be consolidated with the Statewide General Election to be held on the same date, and that within the City, the precincts, polling places and election officers of the two elections be the same, and that the Registrar of Voters of the County of Riverside canvass the returns of the General Municipal Election, and that the elections be held in all respects as if there were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the California Elections Code Section 10403, the Board of Supervisors of the County of Riverside is hereby requested to consent and agree to the consolidation of the City of Moreno Valley's General Municipal Election with the Statewide General Election on Tuesday, November 8, 2016, for the purpose of the election of a Mayor and two (2) members of the City Council of the City of Moreno Valley and submission of a measure to the voters at said election of the following question:

1
Resolution No. 2016-60
Date Adopted: August 4, 2016

| Moreno Valley Safety/Vital Services/Fiscal Stability Measure: To maintain community safety/quality neighborhoods by retaining police, firefighters, youth/senior services, drug/gang prevention, library, parks, street maintenance/other city services; shall an ordinance be adopted updating Moreno Valley's existing transient occupancy tax (hotel tax) from 8% to 13%, paid only by overnight hotel/lodging guests, providing $650,000 annually, that can only be ended by voters; requiring independent audits, financial oversight committee and all funds used locally? | YES |
| | NO |

SECTION 2. That the Riverside County Registrar of Voters Office is authorized to canvass the returns of the City of Moreno Valley's General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The City of Moreno Valley's General Municipal Election will be held and conducted in accordance with the provisions of law regulating the statewide election, including without limitation, Elections Code Section 10418.

SECTION 3. That the Board of Supervisors is hereby requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Moreno Valley recognizes that additional costs will be incurred by the County of Riverside by reason of this consolidation and agrees to reimburse the County for any such costs upon presentation of a properly submitted invoice.

SECTION 5. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of Riverside.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original Resolutions.

SECTION 7. That all the provisions of any existing resolution, including without limitation Resolution No. 2016-45, as heretofore adopted by the City Council that are in conflict with the provisions of this resolution are hereby repealed.

APPROVED AND ADOPTED this 4th day of August, 2016.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
Interim City Clerk

APPROVED AS TO FORM:

_____
Interim City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA   )
COUNTY OF RIVERSIDE   ) ss.
CITY OF MORENO VALLEY   )

I, Marie Macias, Interim City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2016-60 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 4th day of August, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Member, Mayor Pro Tem, Mayor)

_____
       CITY CLERK

       (SEAL)

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Resolution No. 2016-60
Date Adopted: August 4, 2016

Report to City Council

TO: Mayor and City Council

FROM: Marie Macias, Interim City Clerk

AGENDA DATE: August 4, 2016

TITLE: REVISED RESOLUTION REGARDING CITY ATTORNEY IMPARTIAL ANALYSIS AND BALLOT ARGUMENTS PERTAINING TO THE TRANSIENT OCCUPANCY TAX ("HOTEL TAX") BALLOT MEASURE FOR NOVEMBER 8, 2016 GENERAL MUNICIPAL ELECTION BALLOT

RECOMMENDED ACTION

Recommendations: That the City Council:

1.   Adopt Resolution No. 2016-61, a Resolution of the City Council of the City of Moreno Valley, California, directing the City Attorney to prepare an Impartial Analysis, setting priorities for filing written arguments and providing for rebuttal arguments regarding the Moreno Valley Transient Occupancy Tax measure.

SUMMARY

City Attorney Impartial Analysis

The attached resolution directs the City Attorney to prepare an Impartial Analysis of the following ballot measure (or any other version adopted by the City Council).

> Moreno Valley Safety/Vital Services/Fiscal Stability Measure: To maintain community safety/quality neighborhoods by retaining police, firefighters, youth/senior services, drug/gang prevention, library, parks, street maintenance/other city services; shall an ordinance be adopted updating Moreno Valley's existing transient occupancy tax (hotel tax) from 8% to 13%, paid only by overnight hotel/lodging guests, providing $650,000 annually, that can only be ended by voters; requiring independent audits, financial oversight committee and all funds used locally?

Whenever a city measure qualifies for a place on the ballot, the City Attorney, on

ID#2200   Page 1

direction of the City Council, must prepare an Impartial Analysis of the measure showing the effect of the measure on existing law and the operation of the measure. The Impartial Analysis must also include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. The Impartial Analysis is limited to 500 words and may address the legality or constitutionality of the measure. Interim City Attorney Steven Quintanilla has already prepared a draft Impartial Analysis (attached hereto) based on the above ballot measure language, which may require some revisions if the City Council approves alternative ballot measure language.

Ballot Arguments

The City Council, any council member, any registered voter, any bona fide association of citizens, or any combination of voters and associations may file a written argument for or against any of the above measures. The argument for each measure must be distributed to voters along with each sample ballot. An argument cannot exceed 300 words.

Each argument must be accompanied by the names and signatures of the authors for the City Clerk to accept it. The deadline for submittal of arguments is 14 days from the date of calling the election, which is August 16, 2016.

If more than one argument is submitted for or against any of the measures, the City Clerk must select only one argument, using the following order of priority of the argument's signatories:

1. The city council, or any member or members of the council authorized by the city council;
2. The bona fide sponsor of the measure;
3. Bona fide associations of citizens; and
4. Individual voters eligible to vote on the measure.

Arguments may be signed by up to five persons. Persons signing a ballot argument may identify themselves by both name and affiliation, and city council members may identify themselves as such with or without the consent of the city council.

ALTERNATIVES

1. Adopt this attached resolution that will direct the City Attorney to prepare an Impartial Analysis of the City's Transient Occupancy Tax measure and establish priority for submission of ballot arguments.

   Staff recommends this alternative to comply with the California Elections Code and to establish priority with respect to submittal of ballot arguments.

2. Do not adopt the attached resolution.

Staff does not recommend this alternative since it will jeopardize placement of the City's Transient Occupancy Tax measure on the November 8, 2016 election ballot.

FISCAL IMPACT

No fiscal impact.

NOTIFICATION

Publication of agenda

PREPARATION OF STAFF REPORT

Prepared By:
Ewa Lopez
Deputy City Clerk

Department Head Approval:
Marie Macias
Interim City Clerk

Concurred By:
Steve Quintanilla
Interim City Attorney

CITY COUNCIL GOALS

None

ATTACHMENTS

1. Resolution to Prepare Impartial Analysis
2. Impartial Analysis by City Attorney

APPROVALS

Budget Officer Approval	✓ Approved	7/28/16 4:35 PM
City Attorney Approval	✓ Approved	7/29/16 1:42 PM
City Manager Approval	✓ Approved	7/29/16 1:43 PM

RESOLUTION NO. 2016-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS, AND PROVIDING FOR REBUTTAL ARGUMENTS REGARDING THE MORENO VALLEY TRANSIENT OCCUPANCY TAX MEASURE

WHEREAS, an election shall be held in the City of Moreno Valley, California, on November 8, 2016, at which there will be submitted to the voters a ballot measure ("Measure") to consider increasing the Transient Occupancy Tax for the purpose of raising general fund revenue to provide basic City services for residents; and

WHEREAS, whenever a municipal ballot measure is authorized, State law provides that the City Council may direct the City Attorney to prepare an impartial analysis and provide for the filing of written arguments for and against a measure and for rebuttal arguments to be filed with the City elections official.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. That the foregoing recitals are true and correct and incorporated herein by this reference.

Section 2. That the City Council directs the City Attorney to prepare an impartial analysis of the Measure which would amend the current Transient Occupancy Tax ordinance by increasing the rate from eight percent (8%) to thirteen percent (13%) for the aforementioned purposes. The impartial analysis shall be filed within fifteen (15) days of the adoption of this Resolution or by the date set by the City Clerk for the filing of primary arguments, whichever is later.

Section 3. That the City Council authorizes members of the City Council, collectively or individually, to file written arguments in favor of the Transient Occupancy Tax measure specified above, accompanied by the printed name(s) and signature(s) of the author(s), and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk. The City Clerk shall follow Elections Code sections 9281 through 9287 in determining the printing of all arguments in favor and against.

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Resolution No. 2016-61
Date Adopted: August 4, 2016

Section 4. That if no member of the City Council files written arguments in favor of said Measure, then any voter of the City may submit an argument in favor to the City Clerk for consideration in accordance with State law.

Section 5. That the Councilmembers authorized to file such arguments are:

> Dr. Yxstian A. Gutierrez, Mayor
> Jeffrey J. Giba, Mayor Pro Tem
> Jesse L. Molina, Councilmember
> George E. Price, Councilmember
> D. LaDonna Jempson, Councilmember

Section 6. That any argument filed for or against said Measure shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is author of the argument.

Section 7. That the City Clerk shall make the selection of arguments in accordance with the Elections Code and local procedure. When the City Clerk has selected the arguments for and against the Measure which will be printed and distributed to the voters, the City Clerk shall send a copy of an argument in favor of the Measure to the authors of any argument against the measure and a copy of the argument against the measure to the authors of any argument in favor of the measure.

Section 8. That the author or a majority of the authors of an argument relating to the Measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal. A rebuttal argument may not be signed by more than five persons. The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers. Any rebuttal argument must be filed within 10 days after the final date for filing direct arguments.

Section 9. That rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

Section 10. That the City Clerk shall cause the City Attorney's Impartial Analysis, and duly selected arguments and rebuttals, to be printed and distributed to voters in accordance with State law regarding same.

Section 11. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

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Resolution No. 2016-61
Date Adopted: August 4, 2016

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Section 12. That all the provisions of any existing resolution, including without limitation Resolution No. 2016-43, as heretofore adopted by the City Council that are in conflict with the provisions of this resolution are hereby repealed.

APPROVED and ADOPTED this 4th day of August, 2016.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
Interim City Clerk

APPROVED AS TO FORM:

_____
Interim City Attorney

Attachment: Resolution to Prepare Impartial Analysis [Revision 5] (2200 : REVISED RESOLUTION REGARDING CITY ATTORNEY IMPARTIAL

RESOLUTION JURAT

STATE OF CALIFORNIA   )
COUNTY OF RIVERSIDE   ) ss.
CITY OF MORENO VALLEY   )

     I, Marie Macias, Interim City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2016-61 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 4th day of August, 2016 by the following vote:

    AYES:

    NOES:

    ABSENT:

    ABSTAIN:

    (Council Members, Mayor Pro Tem and Mayor)

_____
        CITY CLERK

       (SEAL)

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Resolution No. 2016-61
Date Adopted: August 4, 2016

**CITY ATTORNEY'S
IMPARTIAL ANALYSIS**

**City of Moreno Valley
Measure ___
Moreno Valley Safety/Vital Services/Fiscal Stability Measure**

This Measure was placed on the ballot by the Moreno Valley City Council.

This Measure relates to an ordinance that proposes to amend Chapter 3.24 of the Moreno Valley Municipal Code titled "Transient Occupancy Tax." This tax, which is commonly known as the "Hotel Tax," is imposed on certain overnight guests of the City's hotels which means any structure, or any portion of any structure, which is occupied or intended or designed for use or occupancy by guests. The Hotel Tax is not levied against the City's residents or property owners; rather, it is levied against guests who occupy a hotel in the City of Moreno Valley for thirty calendar days or less.

The Hotel Tax is a general tax that produces a stream of revenue for the City's General Fund. The proceeds of the Hotel Tax are not restricted for a particular use or for particular types of expenditures. As such, the Hotel Tax revenue may be used for any general municipal purpose including, but not limited to, retaining police officers and firefighters, providing youth and senior services, implementing drug and gang prevention programs, expanding library services, and maintaining and improving the City's streets and parks.

This Measure, if approved by a simple majority of the voters, would increase the rate of the Hotel Tax from eight percent (8%) to thirteen percent (13%) commencing ten (10) days after the results of the election are certified by the City Council. The increase is expected to produce an additional $650,000 annually in General Fund revenue for the City which may only be used locally. This additional revenue will also be subject to audits conducted by independent auditors and review and evaluation by a financial oversight committee appointed by the City Council. The five percent (5%) increase in the Hotel Tax will remain in place unless subsequently repealed by the voters.

A "YES" vote on this Measure will increase the existing Hotel Tax from eight percent (8%) to thirteen percent (13%), which may not be increased in the future without prior voter approval.

A "NO" vote on this Measure will keep the existing Hotel Tax at eight percent (8%).

This Impartial Analysis is hereby submitted to the City's Elections Official in conformance with Section 9280 of the Elections Code of the State of California.

Submitted by:

Steven B. Quintanilla
Interim City Attorney
City of Moreno Valley

Report to City Council

TO: Mayor and City Council

FROM: Ahmad R. Ansari, P.E., Public Works Director/City Engineer

AGENDA DATE: August 4, 2016

TITLE: PA11-0007 (PM 35879) – MARCH BUSINESS CENTER – APPEAL OF MUNICIPAL CODE CHAPTER 8.12 REQUIREMENT FOR FEMA APPROVAL PRIOR TO BUILDING PERMIT COMPLETION

RECOMMENDED ACTION

Recommendation:

1. Approve Developer's appeal of Municipal Code Chapter 8.12 requirement for FEMA approval prior to completion of building permit activities and grant extension until prior to certificate of occupancy.

SUMMARY

The City's Municipal Code Chapter 8.12 "Flood Damage Prevention and Implementation of National Flood Insurance Program" requires that development projects within floodplains are to have FEMA Letter of Map Revisions (LOMRs) approved prior to building permit completion. The March Business Center developer has completed all building activities and submitted the LOMR to FEMA for approval. LOMR approval is anticipated within two months of this meeting. The developer is appealing the Municipal Code requirement regarding the timing of LOMR approval such that the building final inspection can be completed.

DISCUSSION

The developer CSIP WR Moreno Valley LLC of the March Business Center project located on the southeast corner of Heacock Street and Iris Avenue has completed construction of two buildings and has requested that the final building inspection be completed as part of the building permit process. The buildings are within a defined floodplain per the Flood Insurance Rate Map as published by FEMA and require a LOMR. Municipal Code Section 8.12.140 "Duties and responsibilities of the floodplain

administrator" requires that all LOMRs receive FEMA approval as part of the building permit process. Therefore, the developer has to submit and receive an approved LOMR from FEMA per Municipal Code.

The Land Development Division of the Public Works Department has not signed the final building inspection roster due to the project's LOMR not having FEMA approval at this time. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA and the buildings are in substantial conformance. The LOMR was submitted to FEMA in June of 2016 and the approval is anticipated in September of 2016, as the LOMR complies with the CLOMR. The developer is appealing the requirement of LOMR approval as a part of the building permit process. Instead, the developer is requesting Council to allow the LOMR approval prior to the Certificate of Occupancy. All other requirements of Municipal Code Chapter 8.12 pertaining to floodplain development either have been met or will be met with this requested action. The appeal to City Council is allowed per Section 8.12.160 of the Municipal Code.

ALTERNATIVES

1. Approve the recommended action as presented in this staff report. *Staff recommends this alternative to support the developer in closing out the final inspection of the constructed buildings.*

2. Do not approve the recommended action as presented in this staff report. *Staff does not recommend this alternative because it would not allow the completion of the building inspections at this time.*

FISCAL IMPACT

The developer has agreed to provide $100,000 in a cash security deposit to cover any costs associated with finalizing the LOMR. Upon receipt of the approved LOMR from FEMA, the cash security shall be returned to the developer. There is no fiscal impact to the General Fund.

PREPARATION OF STAFF REPORT

Prepared By: Department Head Approval:
Michael Lloyd, P.E.   Ahmad R. Ansari, P.E.
Engineering Division Manager   Public Works Director/City Engineer

CITY COUNCIL GOALS

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

ATTACHMENTS

None

APPROVALS

Budget Officer Approval	✓ Approved	7/26/16 5:04 PM
City Attorney Approval	✓ Approved	7/27/16 3:21 PM
City Manager Approval	✓ Approved	7/29/16 12:53 PM