



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

November 29, 2016

SPECIAL MEETING (REGULAR 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
Jesse L. Molina, Council Member

George E. Price, Council Member
D. LaDonna Jempson, Council Member

**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 (REGULAR MEETING) – 6:00 PM
NOVEMBER 29, 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

Miss Tashai Carlton
Local Spiritual Assembly of the Bahá'ís of Moreno Valley

ROLL CALL

INTRODUCTIONS

**PUBLIC COMMENTS ON MATTERS UNDER THE JURISDICTION OF THE CITY
COUNCIL**

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. CONFLICT OF INTEREST (Report of: City Attorney)

Recommendations: That the City Council:

1. Consider, and if desired, by majority approve the proposed Resolution of the City Council of the City of Moreno Valley, California, Adding "Governmental Agency Employer" to the Conflict of Interest and Disclosure Subsection of the Rules of Procedure for Council Meetings

and Related Functions and Activities.

A.2. CAMPAIGN CONTRIBUTION LIMITATIONS (Report of: City Attorney)

Recommendations: That the City Council:

1. Consider, and if desired by a majority, approve the proposed Resolution of the City Council of the City of Moreno Valley, California, Adding "Disclosure of Campaign Contributions" to the Conflict of Interest and Disclosure Subsection of the Rules of Procedure for Council Meetings.

A.3. LIBRARY FINANCING DISTRICT (FOR DISCUSSION ONLY) (Report of: City Manager)

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 Tuesday, November 29, 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):

- 1. CONFLICT OF INTEREST**
- 2. CAMPAIGN CONTRIBUTION LIMITATIONS**
- 3. LIBRARY FINANCING DISTRICT (FOR DISCUSSION ONLY)**

Dr. Yostian Lujano

Mayor

November 28, 2016

Date

ATTEST:

Mani Mani

Interim City Clerk

I CERTIFY THAT A COPY OF THE SPECIAL MEETING NOTICE FOR THE MEETING OF NOVEMBER 29, 2016 WAS DELIVERED TO THE MAYOR AND CITY COUNCIL, VIA EMAIL AND HARD COPY ON NOVEMBER 28, 2016

Mani Mani

Interim City Clerk

CERTIFICATION

I, Marie Macias, MMC, 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: November 28, 2016



Report to City Council

TO: Mayor and City Council

FROM: Martin Koczanowicz, City Attorney

AGENDA DATE: November 29, 2016

TITLE: CONFLICT OF INTEREST

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Consider, and if desired, by majority approve the proposed Resolution of the City Council of the City of Moreno Valley, California, Adding "Governmental Agency Employer" to the Conflict of Interest and Disclosure Subsection of the Rules of Procedure for Council Meetings and Related Functions and Activities.

SUMMARY

This report presents proposed changes to the City Council Rules of Procedure, which if adopted would require disclosure of employment with a public entity prior to consideration of any item involving such entity.

DISCUSSION

This staff report is being presented based on a request of two Council Members and as a follow up to the item presented to City Council at the meeting of September 20th by the Interim City Attorney.

Under current Council Rules of Procedure, Section 5.5.5.1 mandates compliance with applicable State laws with respect to Conflict of Interest disclosures. Among those is a requirement that a Council Member recuse her/himself from participation in any item materially affecting any source **of income** of that Council Member (Gov. Code Section 87103(c)). That provision, would for example, require recusal if the decision would have material effect on that Council Member's employer.

State law in Gov. Code Section 82030(b)(2), exempts any salary or reimbursements received from a Federal, State or local governmental agency, from the definition of

income as applied in the Conflict of Interest provisions above. Practically it exempts any Council Member employed by another governmental agency from mandatory recusal on an item under Council's consideration that may have material effect on that agency.

The proposed Resolution in order to increase transparency of City Council's actions would amend the current policy to add a requirement of disclosure in an instance where a Council Member is employed by a governmental agency and an item before the Council would result in a material effect on that agency. If adopted it would require a Council Member to announce that she/he is an employee of a given public agency that has an item before the Council for consideration. The change in policy would not require recusal.

ALTERNATIVES

1. Adopt Resolution amending the City Council Rules of Procedure Section 5.5.5 to add a requirement for disclosure of receipt of salary or reimbursement of expenses from any Federal, State or local agency that has an item under consideration of the City Council.
2. Take no action on the proposed Resolution.
3. Provide alternate direction to staff.

FISCAL IMPACT

There are no anticipated direct fiscal impacts connected to any of the proposed alternatives.

NOTIFICATION

Agenda was posted in accordance with the Brown Act.

PREPARATION OF STAFF REPORT

Prepared By:
Martin D. Koczanowicz
City Attorney

CITY COUNCIL GOALS

None

CITY COUNCIL STRATEGIC PRIORITIES

1. Economic Development

- 2. Public Safety
- 3. Library
- 4. Infrastructure
- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

ATTACHMENTS

- 1. Resolution No. 2016-74

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	11/23/16 3:05 PM
City Attorney Approval	<u>✓ Approved</u>	11/23/16 2:56 PM
City Manager Approval	<u>✓ Approved</u>	11/28/16 1:34 PM

RESOLUTION 2016-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING “GOVERNMENTAL AGENCY EMPLOYER” TO THE CONFLICT OF INTEREST AND DISCLOSURE SUBSECTION OF THE RULES OF PROCEDURE FOR COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES

WHEREAS, Government Code Section 18700 provides that a public official has a prohibited conflict of interest and may not make, participate in making, or in any way use or attempt to use his or her official position to influence a governmental decision when he or she knows or has reason to know he or she has a disqualifying financial interest; and

WHEREAS, Government Code Section 87103(c) provides that a public official is disqualified from acting on any matter materially affecting any source of income (other than gifts or certain loans from a commercial lending institution) aggregating \$500 or more provided to, received by, or promised to the public official within 12 months before the time the decision is being made; and

WHEREAS, Government Code Section 82030(b)(2) provides that salary and reimbursement for expenses received from a federal, state or local government agency is exempt from the definition of "income" as used in Government Code Section 87103(c); and

WHEREAS, in order to promote ethical principles and full transparency, the City Council deems it necessary and appropriate to amend the Rules of Procedure for Council Meetings and Related Functions and Activities to require disclosure by a councilmember before participating in any proceedings involving any matter materially affecting his or her governmental agency employer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley as follows:

Section 1. Recitals

That the Recitals set forth above are true and correct.

Section 2. Amendment to 5.5.5 “Conflict of Interest and Disclosure”

That Subsection 5.5.5 titled “Conflict of Interest and Disclosure” of Section 5.5 titled “Decorum and Order – Council Members” of the “Rules of Procedure for Council Meetings and Related Functions and Activities” shall be amended to add Section 5.5.5.5 as follows:

5.5.5.5 Governmental Agency Employer.

A councilmember shall disclose his employment with a public agency prior to participating in any proceedings involving any matter materially affecting that governmental agency employer.

Section 3. Severability

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Resolution 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 Resolution as hereby adopted shall remain in full force and effect.

Section 4. Repeal of Conflicting Provisions

That all the provisions heretofore adopted by the City or the City Council that are in conflict with the provisions of this Resolution are hereby repealed.

Section 5. Effective Date.

That this Resolution shall take effect upon its adoption.

Section 6. Certification.

That the City Clerk shall certify to the passage of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 29th day of November, 2016.

CITY OF MORENO VALLEY

Mayor

ATTEST:

Interim City Clerk

APPROVED AS TO FORM:

City Attorney

Attachment: Resolution No. 2016-74 [Revision 1] (2367 : CONFLICT OF INTEREST)

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, Marie Macias, MMC, Interim City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2016-74 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 29th day of November, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Attachment: Resolution No. 2016-74 [Revision 1] (2367 : CONFLICT OF INTEREST)



Report to City Council

TO: Mayor and City Council

FROM: Martin Koczanowicz, City Attorney

AGENDA DATE: November 29, 2016

TITLE: CAMPAIGN CONTRIBUTION LIMITATIONS

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Consider, and if desired by a majority, approve the proposed Resolution of the City Council of the City of Moreno Valley, California, Adding "Disclosure of Campaign Contributions" to the Conflict of Interest and Disclosure Subsection of the Rules of Procedure for Council Meetings.

SUMMARY

This report presents proposed changes to the City Council Rules of Procedure, which if adopted would require disclosure of campaign contributions in excess of \$500 from direct or indirect sources who's interest would be materially affected by the item under City Council's consideration.

DISCUSSION

This staff report is being presented based on a request of two Council Members and as a follow up to the item presented to City Council at the meeting of September 20th by the Interim City Attorney.

Under current Council Rules of Procedure, Section 5.5.5.1 mandates compliance with applicable State laws with respect to Conflict of Interest disclosures. Government Code Section 84308 provides for disclosure and recusal from any decision affecting a campaign contributor in excess of \$250.00. The section however is not applicable to "local governmental agencies whose members are directly elected by the voters", meaning any city council or council members. Under State law there is no disclosure or recusal requirement related to campaign contributions for city council members.

The proposed Resolution in order to increase transparency of City Council's actions would amend the current policy to add a requirement of disclosure of any direct or indirect campaign contribution in excess of \$500.00 in an instance where an item before the Council would result in a material effect on such contributor. If adopted it would require a Council Member to announce that she/he received a contribution on excess of \$500.00 from the entity or person that has now an item before the Council. The change in policy would not require recusal.

ALTERNATIVES

1. Adopt Resolution amending the City Council Rules of Procedure Section 5.5.5 to add a requirement for disclosure of direct or indirect campaign contributions from a entity or a person that has an item under consideration of the City Council.
2. Take no action on the proposed Resolution.
3. Provide alternate direction to staff.

FISCAL IMPACT

There are no anticipated direct fiscal impacts connected to any of the proposed alternatives.

NOTIFICATION

Agenda was posted in accordance with the Brown Act.

PREPARATION OF STAFF REPORT

Prepared By:
Martin D. Koczanowicz
City Attorney

CITY COUNCIL GOALS

None

CITY COUNCIL STRATEGIC PRIORITIES

1. Economic Development
2. Public Safety
3. Library
4. Infrastructure
5. Beautification, Community Engagement, and Quality of Life
6. Youth Programs

ATTACHMENTS

1. Resolution No. 2016-75

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	11/23/16 3:11 PM
City Attorney Approval	<u>✓ Approved</u>	11/23/16 2:56 PM
City Manager Approval	<u>✓ Approved</u>	11/28/16 1:33 PM

RESOLUTION 2016-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY ADDING “DISCLOSURE OF CAMPAIGN CONTRIBUTIONS” TO THE CONFLICT OF INTEREST AND DISCLOSURE SUBSECTION OF THE RULES OF PROCEDURE FOR COUNCIL MEETINGS

WHEREAS, in order to promote ethical principles and transparency in government the City Council of the City of Moreno Valley (“City Council”) deems it necessary and appropriate to establish campaign contribution disclosure requirements pertaining to campaign contributions provided directly or indirectly to councilmembers; and

WHEREAS, elections at all levels of government have recently seen the growth of influence from political actions committees and other similar organizations that pool campaign contributions from members and donate funds to campaigns in support of or against local candidates; and

WHEREAS, this Resolution shall require that City Council Members must publically disclose a contribution, prior to considering or voting on any items involving an applicant that is an organization, vendor, contractor, consultant, business, or person, which has donated or contributed to the campaign of that City Council Member either directly or indirectly via a political action committee or other similar organization formed for the purpose of raising and spending money to elect or defeat local candidates.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley as follows:

Section 1. Recitals

That the Recitals set forth above are true and correct.

Section 2. Amendment to 5.5.5 “Conflict of Interest and Disclosure”

That Subsection 5.5.5 titled “Conflict of Interest and Disclosure” of Section 5.5 titled “Decorum and Order – Council Members” of the “Rules of Procedure for Council Meetings and Related Functions and Activities” shall be amended to add the following Section:

5.5.5.4 Disclosure of Campaign Contributions.

Direct campaign contributions. Any councilmember who has received, within the prior 48 months, a campaign contribution of Five Hundred Dollars (\$500) or more, or a cumulative total of Five Hundred Dollars (\$500) or more, **directly** from a party or participant seeking any action or decision from the city council, during any given proceeding before the city council, shall disclose the nature of the campaign contribution.

Indirect campaign contributions. Any councilmember who has received,

within the prior 48 months, a campaign contribution of Five Hundred Dollars (\$500) or more, or a cumulative total of Five Hundred Dollars (\$500) or more, **indirectly** from a party or participant seeking any action or decision from the city council, during any given proceeding before the City Council, shall prior to deliberation and vote: (a) disclose the nature of the campaign contribution.

“Indirectly” shall mean receiving a campaign contribution from employees or officers of the party or participant appearing before the subject proceedings or receiving a campaign contribution from a political action committee or similar organization organized for the purpose of raising and spending money to elect or defeat local city council candidates that has received contributions from the party or participant appearing before the subject proceedings.

Section 3. Severability

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Resolution 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 Resolution as hereby adopted shall remain in full force and effect.

Section 4. Repeal of Conflicting Provisions

That all the provisions heretofore adopted by the City or the City Council that are in conflict with the provisions of this Resolution are hereby repealed.

Section 5. Effective Date.

That this Resolution shall take effect upon its adoption.

Section 6. Certification.

That the City Clerk shall certify to the passage of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 29th day of November, 2016.

CITY OF MORENO VALLEY

Mayor

ATTEST:

Interim City Clerk

APPROVED AS TO FORM:

City Attorney

Attachment: Resolution No. 2016-75 [Revision 1] (2368 : CAMPAIGN CONTRIBUTION LIMITATIONS)

RESOLUTION JURAT

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

I, Marie Macias, MMC, Interim City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2016-75 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 29th day of November, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

Attachment: Resolution No. 2016-75 [Revision 1] (2368 : CAMPAIGN CONTRIBUTION LIMITATIONS)



Library Financing

Moreno Valley Library: Is a Financing District an Option?

Where we are

Where we want to be

Funding Options

14,000 S.F.

\$1.8M annual budget

Revenues:

Charges for services:	\$18,000
Fines & Forfeitures:	50,000
Misc. Revenue:	2,000
Taxes:	\$1,787,470



Objective 3.1

***Open Satellite Branch
December 2017***

Initiative 3.1.1

***Identify Funding Sources
May 2017***

***Store front satellite:
5,000 – 6,000 S.F.***

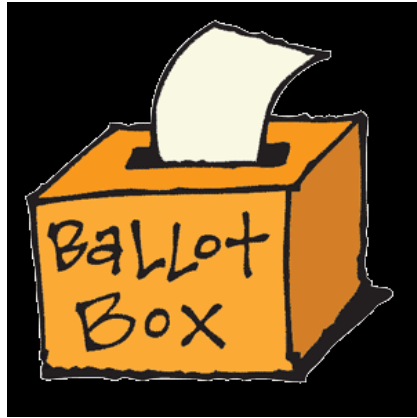


***\$700K start up costs
\$500K annual operating
\$150K per year lease (est.)***

Charges for services:	\$18,000
Fines & Forfeitures:	50,000
Misc. Revenue:	2,000
Taxes:	\$1,787,470*

* Property tax collected by County

1.5% of 1% City Zone L



2001 Zone L Library Fee

\$20 per year

Required 66% approval

YES: 43% NO: 57%



48,000 parcels

\$1 per parcel + \$48,000

\$15 per parcel = \$720,000

Est. store front operations = \$650,000



Questions?